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# BARODA AND BOMBAY;

THEIR

## POLITICAL MORALITY.

### A NARRATIVE

DRAWN FROM THE PAPERS LAID BEFORE PARLIAMENT  
IN RELATION TO THE

## REMOVAL OF LIEUT.-COL. OUTRAM, C.B.,

FROM THE OFFICE OF

RESIDENT AT THE COURT OF THE GAEKWAR.

WITH

Explanatory Notes,

AND

REMARKS ON THE LETTER OF L. R. REID, ESQ.,

TO THE EDITOR OF THE DAILY NEWS.

By JOHN CHAPMAN,

AUTHOR OF "THE COTTON AND COMMERCE OF INDIA CONSIDERED IN  
RELATION TO GREAT BRITAIN."

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## P R E F A C E.

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THE following narrative is drawn from the documents comprised in the return made by the East India Company, to an order of the House of Commons, on the motion of Mr. Anstey, "of all Correspondence and Papers on the subject of Colonel Outram's removal from the office of Resident at the Court of the Guicowar; or on the subject of the alleged Corruption of Officers of the Bombay Government with bribes from Baroda."—(June 30, 1852, No. 560.)

The bulk of these Blue Books, 1514 folio pages, and, still more, the extraordinary misarrangement of their contents, render an abstract of some kind necessary to many who require to be acquainted with the complicated facts related in them. One instance of the confusion which prevails throughout must suffice to characterise the whole.

Part of the papers relating to the case of Nursoo Punt are contained in a "collection" which begins at page 944. We first come at page 960 to matters in serious discussion between the Bombay Government and Colonel Outram respecting this native officer; then at page 988 we have a mere note at the date of Colonel Outram's transmission to the Government of a "Statement of Facts" seriously inculping him; then we have 65 folio pages of orders, proceedings, minutes, petitions, judgments, objections of Government and replies to them, and it is not until we have entered *on another collection of papers* that we find, at page 1054, the very important "Statement" which ought to have been given where the note of its transmission is placed, on which "Statement" all these discussions are founded, and without which a great part of them is unintelligible. The Government, however, thus stated their own case first, and involved the whole in perplexity. The

actual suppression of a highly important paper of this series will be found noticed in its proper place.

The papers appear to have been laid before Parliament, by the East India Directors, exactly as they came from the Government of Bombay. The only index given is useless until the book is almost known by heart.

Whether this universal disorder came of a routine unfit for practical uses, or of a desire to conceal in confusion that which feared the light, it is necessary that the intricacy be disentangled as well as that the mutual relations of the chief facts be exhibited. It was found that these objects could only be accomplished by means of a narrative, the incidents of which should be referred for authority to their singularly scattered places in the papers. References to original documents have been generally preferred where such were available, although Colonel Outram's several Reports frequently exhibit the same facts to the reader more conveniently; the latter, however, will be more easily found by each person for himself than the former. A single number in the margin refers to a page of the Blue Books; a second after it gives the paragraph, letter, note, or other division of the page, as may happen. The first or perhaps principal paragraph or letter is often alone referred to; the reader will follow on for himself as far as seems to be required.

Many of the notes and observations are intended to afford some such help as familiarity with Indian subjects would render unnecessary. The treatment of the whole subject, as well as the opinions expressed, are to be attributed to myself alone, although I am happy to have had such aid from Colonel Outram as has prevented, I trust, any serious misapprehension on my part, of important facts.

I am sorry that Mr. Reid's pamphlet, lately published, has compelled me to add a "Postscript" to my original design. The Dissents of thirteen Directors of the East India Company (part of the majority who agreed in them) became available for publication only at the last moment.

J. CHAPMAN.

*March, 1853.*

# INDIAN POLITICAL MORALITY.

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## BARODA AND BOMBAY.

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“KHUTPUT” is a word employed in some of the languages of India to denote active, toilsome, vexatious business; it is conventionally and most frequently used in the sense of endeavouring to accomplish private purposes by means of corrupt and hidden interest; chiefly bribery is understood.

Under the native Governments of India the practice of Khutput was universal and shameless. Where there is no elevated standard of morality, whether of authority or usage, and no constitutional security against wrong, the resort of men with purposes to accomplish in which the Government is concerned must commonly be to underhand arts. In a less advanced state of our own national morality and polity it was with us as it is now with them; although we now attach to these arts some measure of their due shame. The pressure and danger which give prevalence to this practice in the East under native rule, are so generally felt, that indigenous public opinion does not much censure those who employ it. Success, there even more than here, is held in most cases of moral obliquity to justify the means, and especially so in matters connected with Government or money-getting.

The rule of Britain in India is founded on moral in-

fluence. Eighty thousand Europeans, army included, cannot be imagined to keep in subjection 130,000,000 of people by means of physical strength. We rule simply because the natives of India believe they can trust us better than they can trust one another. Whatever injures the confidence of the natives in the integrity, impartiality, and good faith of our Government, weakens in the same degree the foundation of our rule.

This special reason for sternly repressing corruption in our Indian Government, is scarcely more imperative than that supplied by the evils which ever flow from the relaxation, perversion, and unfaithfulness of any system of administration in which clandestine private interests are suffered to mingle themselves with corporate or national objects; and those evils must reach their height in a country where few men hesitate to offer a bribe, and where the abuse of power is necessarily subject to comparatively feeble checks. The East India Company, taught by grievous experience, have long maintained the most stringent regulations, forbidding illicit advantages to their officers, in any form, under the most serious penalties.

21-\*. On the 15th of May, 1850, the Government of Bombay issued a circular to its officers, desiring each of them to ascertain whether there existed within his district a general belief, or a belief entertained by particular classes, that improper designs could be promoted by "making Khutput in Bombay," *i. e.* by obtaining the secret and corrupt favour of men in power at that seat of Government.

On the part of the Government the issuing of such a circular at all was a singular step. Some of their most experienced officers had long before drawn their attention to the scandal; they had themselves loftily disdained to notice it; the unflinching determination of Sir George Arthur, then Governor, had brought to light most extensive intrigues of the foulest kind in 1842-3—only seven years before; and since that time two members of council had re-

1347-10.  
1360-33.



1406-†. ceived private intimations that it would be to their advantage to favour a certain wealthy establishment at Baroda, which will figure prominently in the following pages. What more could the Government want to satisfy them that, whatever they really were, the people believed them to be corrupt?

The ostensible occasion of the circular was the reception of certain reports from Mr. Albemarle Bettington, magistrate at Ahmedabad, and Mr. Hart, Enam Commissioner in the Southern Mahratta country, the two extremities of the Bombay presidency. These reports are not, but should be, before Parliament; little more is publicly known of them than that they so loudly complained of the difficulties occasioned by the general belief that Government could not slight them. Probably their effect was aided by the reiterated statements of Lieutenant-Colonel Outram, who was then at Bombay; this officer had long before and often represented to the Government that both their reputation and their measures had severely suffered from this belief at Baroda, where, at times, for fourteen years he had been intimately concerned in public affairs, and where he was then "the Resident," representing the British Government\*. It became Colonel Outram's duty, in reply to the circular, to report on the subject in reference to the affairs of Baroda, the capital of the prince styled the Gaekwar; whose dominions, much intermingled with our own, form a great part of the division of India called Guzerat.

The circular of the Government adverted to a "belief," said to prevail "generally;"—to a belief "greatly embarrassing" to the Government and its officers, and "undermining the confidence of the ryots in the justice of the system under which they are governed." It also desired each officer to suggest measures which

\* Under our peculiar engagements with most of the princes of India, "the Resident" has to take a part in the management of the country along with the Native Government, far exceeding any interference which is exercised by diplomatic agents in Europe, or which would be attempted by the boldest of them.

might appear to him calculated to eradicate this dishonouring belief.

The consequent report of Colonel Outram, dated 31st October, 1851, embraced a long period ;  
 1340. for, to adduce a few passing facts or surmises  
 1279. would not have established the existence of a belief which could possibly have “undermined the confidence of the ryots;” it embraced a large variety of cases, for it was necessary to draw practical conclusions which, on so delicate and important a subject, single instances would not safely support ; it gave those cases in detail, because the Government required suggestions of remedial measures which could only be deduced from the nature of the transactions by which, if at all, this “embarrassing” belief had been so long kept up.

All this, important everywhere, was peculiarly so at Baroda, where not only is the prince, like other Indian princes, subject to our general supremacy, but our authority mingles in some sort with his in the actual government of the country ; for, through former events, most of his wealthy subjects hold our guarantee (bhandree) against his oppression ; and this guarantee lets or drags us into many disputes with which elsewhere in India we should not interfere. Both he (or the party ruling in his name) and many of his subjects have therefore unusually strong inducements to try to influence the measures of our Government by whatever means ; practised agents in bribery, too, have every reason for fomenting disputes which may keep their vocation active. Prince, ministers, and subjects, all have an interest in buying the aid of our officers, if they can, sometimes in opposition to each other’s interests, and sometimes against those of our own Government.

Corrupt intrigues had accordingly originated here, which were still fresh in public recollection, and were far more flagrant in their character than any other which had of late attempted the integrity of the Western Government. The “Dackjee Dadajee” organization, for bribery on the largest scale, had been

exposed only seven years before the date of the Government circular, and the subsequent period had been filled up with events scarcely less damaging to the reputation of the Government, at least while unexplained, than they had been. Public attention was turned to this quarter; here this belief in the easiness of our virtue was known to have produced some of its worst effects.

The subject of investigation, as defined by the circular, was the *belief* in the corruptibility of Government, not the fact of Government having ever been, or the probability of its being, corrupted: and this was the true view of the matter; for, if the Government was *believed* by the people to be corruptible or corrupted, nearly the same harm was done, as to embarrassment and want of confidence, as if it had really been so.

We have then to place ourselves at the stand-point of the natives, and to inquire what were the facts which might foster a belief in the efficacy of "Khutput made in Bombay," so general and long sustained as to be "embarrassing" to the Government or its officers, and "destructive of the confidence of the cultivators." We may conclude such a belief not unreasonable if we find men known amongst their countrymen as inveterate corruptionists are long maintained in offices against the remonstrances and exposure of their immediate European superiors;—if we find such men succeeding for years together in their objects;—if we find that anything to be done in favour of known corruptionists, or in hindrance of proceedings against them, comes with promptness and decision from Government—while an adverse stroke, which must be struck, comes with hesitation and delay;—if we find that others possessed of surreptitious knowledge of the secret resolves of Government, boast of that knowledge, and use it to their own profit in advance of the official communications of the Government;—if at the inevitable end of a system of iniquity the parties guilty in an unusual degree meet on conviction with a punishment mitigated apparently for their especial cases;—if those who have long been in-

terested in these doings push the system further and at greater cost, and those who have observed it engage in it on their own account ;—if, when a long-used machine of iniquity breaks down, another is constructed of still greater power ;—and if, above all, while those universally known to have been the most active instigators and agents of corruption escape with impunity, sometimes perhaps ill disguised (as it appeared to the natives) by nominal punishment, those equally well known to have aided zealously and faithfully in combating the monstrous evil invariably suffered contumely, oppression, and ruin. If these things appear, surely the natives, at their point of view, *had* every reason to believe that “Khutput” actually did its work in Bombay, however incorruptible or even untempted the Government or its members might really have been.

The following condensed abstract of the cases detailed in the Parliamentary Papers relating to the dismissal of Colonel Outram from the office of Resident of Baroda should be read by the light of the foregoing remarks ; and it must be noted that many of the documents of the Government, although in form and purpose the mere means of discussion or instruction within the circle of the Government itself and its officers, often really had the effect in many native quarters of the most public measures ; for it was afterwards proved that the natives most implicated, long had faithful and very prompt intelligence of everything which passed in the highest and most private departments of the Government at Bombay.

1341. We go back to 1835, when Lieutenant-Colonel (then Captain) Outram assumed charge of the office of Political Agent of the Mahee Kanta, a semi-independent district of Guzerat, having its own chiefs. The office was subordinate to that of the Resident at Baroda, then held by Mr. Williams. It is necessary to employ a confidential “Native Agent” as the head of the Resident’s establishment of clerks ; and at that time Sarabhoy was so employed. This man belonged to a class called the Nagur, or Snake

Brahmins, noted even amongst their countrymen for unscrupulous avarice and subtle craft: he had placed many of his immediate personal connections in employment in the Resident's office, and others filled important Government situations in other parts of Guzerat. Moreover, he was closely leagued with the Bank of Hurree Bhugtee, which possessed immense wealth, which had the Gaekwar himself for one of its partners, and which was known by many to negotiate the bribes by which Sarabhoy and his associates profited. Unjust decisions, into which the British Government had been betrayed, had already established a general belief that this man and his connections had the secret but effectual favour of men high in office, when a case occurred to give weight and point to the conviction.

1342. The Thakore of Umleara died: he was a chieftain, subordinate indeed to us, but in a position not much unlike that of the Highland chiefs of 150 years ago, whilst still possessed of their ancient heritable jurisdictions. He left two widows, who disputed the succession, each for her son: one of these had been adopted according to the usage of India, and was the successor in the absence of real issue; the other, born seven months after the father's death, was entitled to the succession, if not spurious, in preference to the other. The decision of the Government was in favour of the former, on the ground that the child of the latter was not her own offspring, but was brought forward as hers in order to give herself the advantages of the mother of the chief during and after the child's minority. There seemed to the Government quite evidence enough to establish the spuriousness of the child. The country people, however, knowing more of the case, were of a different opinion.

A few months afterwards, the affair came under the official cognizance of Colonel Outram; and finding reason to believe that the Government was wrong and the country people right, he obtained leave to re-investigate the case. The Government reversed the decision, and

congratulated itself on having “escaped becoming  
 1342-3. instrumental in the commission of an act of  
 great injustice.”

But perjury and bribery came to light. Sarabhoy had been succeeded in his confidential and highly important office by his brother-in-law Brijlal; and it was found that Brijlal and Dowlutram, another *employé* of the Government, had received large bribes in the affair, and both of them were members of the confederacy which the people in Sarabhoy's time, just before, had believed to have the corrupt favour of men high in office. The perjured parties were

The THAKORE of GORASUR, a neighbouring chieftain, possessing power of magistracy from the British Government,

MOTEE GOVERDHUN, the Thakore of Gorasur's man of business,

JEEBAWA, a native British officer, entrusted with revenue management of a district,

ROOPRAM MEHTA and YOOLACHUND, men of business to the elder of the litigant widows,

And some others.

It was necessary to bring these parties, or some of them, to trial. The difficulty was to procure evidence in opposition to the interests and influence of the Nagurs, who were universally believed to have effectual secret influence at the seat of power, and whose vengeance

1343. was universally dreaded. The local British officers recommended measures calculated to overcome or diminish this difficulty; the Government *decided on steps exactly the reverse*. The local officers recommended delay until the decision of the Government on the case in which the parties had perjured themselves should have broken down to some extent their *prestige*, and disappointed the parties who had given the bribes; the Government, which at first consented to the postponement, *suddenly hurried on the trial, to the inevitable detriment of justice*. A certain locality was recommended for the trial, as tending to the procuring of a true result; *the Government fixed the trial at*

*the head-quarters of the caste of the principal persons accused, thus placing them in the midst of relatives, caste-mates, and friends, many of them in office, and as deep in bribery as they.* An inquiry, by officers who knew the country, the people, and the influences likely to operate for or against the truth, was recommended; *the Government subjected the case to an investigation which, while hampered with the forms of law, in which the accused were expert, had not the binding effect of a trial; and that investigation was had before judicial authorities far from the scene of action.*

Sarabhoy, really implicated, escaped conviction on this charge, having meanwhile quitted his situation;

1345-22. but he might have been convicted at the same time on another charge, had Government acted

with even ordinary delay on a letter which had been some time before it. Brijlal escaped through efforts of the same kind made by the former perjurers, but

1344-17. was declared "not free from suspicion."

Dowlutram was found guilty.

1344-18. A practice had long been established, of

inserting in the Government Gazette a proclamation declaring a native servant proved guilty of corruption, incapable of serving the Government in any capacity again: and of this practice an instance had occurred but a few months before. The local British officers implored the Government thus to proclaim Dowlutram, on the ground that that step would tend to disabuse the natives as to the efficacy of Khutput at Bombay. *Government refused the measure, and contented itself with the mere private dismissal of Dowlutram from office.* The people remarked that this case, only the second in which the Government had indulged itself in such leniency, related to a caste-mate and confederate of Sarabhoy; and that the

1344. first, which had occurred not long before, referred to Chotum Lall, Sarabhoy's brother.

Brijlal escaped for a time through the new perjuries of the Thakore of Gorasur, Motee Goverdhun, Jeebawa, Juggabhoye, and the men of business of the elder

litigant widow. When the British Judge in Guzerat applied to his superiors in Bombay, for the depositions in Brijlal's investigation, in order to try the above-mentioned witnesses for perjury, Government replied that the proceedings were *not a trial but an inquiry*, and as the oath had therefore been administered without sufficient authority, the lying was not, in law, perjury. When it was proposed to reinvestigate the same charges, Government said it was *not an inquiry but a trial*, and so decided that the accused could not be tried again.

These matters occupied the time from the beginning of 1837 to the middle of 1838. Let us see what else transpired during the same time.

1352. Motee Lall Purshotum was the head native official employed by the British Government in the district of Rajpeepla. He had oppressed the people; but such is the terror, in India, of an offended man in power (still more under native Governments than under ours), that the country suffered in silence. Charges of corruption however were made against him in Nov. 1836, by Lieut. Ramsay, his British superior; Motee Purshotum offered to that gentleman 10,000 rupees to suppress his charges. Government ordered an investigation; but just as it was about to commence, a Government order so altered the administrative arrangements of that part of the country, that Lieut. Ramsay was displaced: being only remanded to his regiment, he applied for permission to stay to finish the investigation; he was refused, while another officer similarly situated in the district, removed by the same change, was permitted to remain for several months.

1353-8. On the subsequent investigation, Motee Purshotum was acquitted, and the Commissioner, who conducted it, exclaimed against the extraordinary perjury of those who had first accused him, and now contradicted themselves. Government congratulated itself that the character of so eminent a public servant had been so vindicated.

1354-10.



1355-12. A few months afterwards, however, events renewed the charge. It was then proved that the wronged parties and the witnesses, struck with consternation at the sudden and peremptory removal of Lieutenant Ramsay, so evidently to them the result of Khutput, denied the truth of all their former accusations, Motee Purshotum aiding the motives of some by refunding the sums he had extorted from them.

1356, &c. When however these facts began to come to light, and Motee's star appeared to wane, evidence enough was obtained to show what a scourge he had been. He was an accomplice of Brijlal, and was confined with him, pending trial, by Mr. Sutherland, then the newly-installed Political Commissioner. Government, however, desired these men to be suffered to reside at home only under a *surveillance*, which really could do nothing to prevent their subornation of any perjury necessary for their further escape.

1363-13. Dadoo Punt, a relative of Brijlal, was so clearly  
-16. guilty of bribery that Mr. Malet, then Officiating Commissioner, confined him. Government censured Mr. Malet for "inadvertence" in so doing, and ordered him to be set at liberty.

1352-9. Mr. Malet had however a far heavier charge against him, that of falsifying recorded documents, and so continued to keep him in hold, notwithstanding the Government's order, until medical interference required his liberation. He had expected, through confining Dadoo Punt, to obtain evidence of the wide-spread corruption known to exist.

1361-4. Government *quashed the conviction on the greater charge, because Brijlal, involved in it with him, was not present at the investigation*, and he escaped with simple unavoidable dismissal, for the smaller offence of bribery.

1351-8. In this case, and at this juncture in the inquiries into native official corruption, Government informed Mr. Malet that there was no law by which a Government servant receiving bribes at Baroda could be punished otherwise than by dismissal. The same offences, however, if committed in the revenue or judicial

departments, were well known to subject the delinquent to dismissal, proclamation of disgrace, and seven years' imprisonment. To what could the people of Baroda, daily witnesses of inveterate corruption, attribute this nice distinction between the services? Nor did Government bestir itself to remedy this defect in the law; for it was not until 1850, more than twelve years after this admission of the defect, that an Act was passed to meet the case, and then, we believe, not so much at the instance of the Government of Bombay, which was particularly under the imputation of corruptibility, as of that of the Supreme Government, which was comparatively free from it.

1350. Brijrai, (or Brijrye, or Vrijrye, all one name,) a British subject residing in the territories of the Gaekwar, was capable of throwing much light on the prevalent corruption, and especially on that of Brijlal, then under inquiry by Mr. Malet. This man was arrested, by the Gaekwar's authority, at the instance of Anundrao, brother of Dadoo Punt, and a relative of Brijlal, himself employed in the Commissioner's establishment. Mr. Malet wrote to the Gaekwar, asking how he came to imprison a British subject, and to refuse the ample bail tendered for him. The letter was kept back by Anundrao. For this offence Mr. Malet suspended that bold subordinate. Government *ordered his restoration to his post*. Brijrye remained in confinement three or four months. The Gaekwar refused him needful medical aid, and he died in prison.

1350-2.

1381-II. Venaik Moreshwar Furkey, called also Baba Furkey, or here simply Furkey, is a relative of the Hurry Punt Furkey, who often led the Mahratta armies. He went to Baroda in 1831, to prosecute claims of the family and of his own, on the Gaekwar and on the great bank of Hurree Bhugtee. The Gaekwar, whether at his own suggestion or that of his partners in the bank, drove him from the city of Baroda in 1836, and applied to the British authorities for his expulsion from the country altogether. His house was entered and searched, and it was intended to

seize his person. The British Representative protected him; and Baba Furkey aided most zealously and effectively in tracing the corruption then under investigation,

1383-13. at a time when no other native dare brave the vengeance of the swarming misdoers. Before many months had elapsed he was ordered by the British authorities, at the urgent instance of the Gaekwar, to leave the country, a measure, however, not entirely carried out. Some time afterwards he was

appointed by our Government to succeed

1383-11. Motee Purshotum at Rajpeeppla, who had at length been too clearly convicted to be retained any longer.

The period to which we have carried these cases is that of the second quarter of the year 1838. Let us review the results as they stood at that time.

SARABHOY had escaped investigation.

BRIJLAL, long favoured and powerful, had been declared "not free from suspicion;" but, while under other charges recently preferred, was placed, by the orders of Government, in the very position which most facilitated his corrupt arrangements for securing impunity.

DOWLUTRAM had been convicted of bribery, but had been sheltered from a disgraceful consequence of conviction which had followed in every like case but that of Sarabhoy's brother.

ANUNDRAO was again in office, restored to it, at the express command of the Government, after gross misconduct in favour of corruptionists, which resulted in the death of a British subject.

MOTEE PURSHOTUM, first favoured by the abrupt abstraction from the district of his British accuser, had indeed been at last suspended from office, but was not yet convicted, through inexplicable hesitation and tenderness on the part of Government.

DADOO PUNT, accused of bribery and falsification of documents, had been released by order of Government, and his conviction on the chief charge against him quashed on insufficient grounds.

The THAKORE of GORASUR, charged with perjury and conspiracy along with those who follow, was restored to his magistracy.

MOTEE GOVERDHUN was again the Thakore of Gorasur's man of business.

JEEBAWA was again entrusted with the revenue affairs of his former district, the highest office entrusted to a native, and he retains his post to this day.

JAGGABHOYE seems, in like manner, to have been remitted to his former employment.

And the two men of business of the elder litigant widow remained unharmed in their former occupation.

These were all notoriously guilty, and some of them were publicly convicted to every intent and purpose but that of legal form.

But BRIJRYE died in unmerited imprisonment, and Baba FURKEY long remained on bare sufferance, and at length could hardly remain at all, where he was courageously rendering the British Government essential service in opposition to the prevailing and deadly vice of its own servants.

By this time Mr. Sutherland had succeeded Mr. Williams as Political Commissioner for Guzerat, the title then borne by the Resident at Baroda. He complained that his native establishment was utterly untrustworthy and inefficient; at the head of that establishment was now the Anundrao, of whom we have just seen something—a relative of Brijlal, who, declared by Mr. Malet not long before unworthy of confidence, had been replaced in office by Government, and now was equally condemned by Mr. Sutherland; the other persons employed were notoriously under the influence of Brijlal himself, although he was then subjected to recent and heavy charges of bribery.

1348. In the midst of these transactions Colonel (then Captain) Outram had gone to Bombay, to confer personally with the members of Government on this most disgraceful and injurious state of things ;

but although he returned with instructions to consult with the Commissioner on the subject, the whole proceeding must have seemed to the natives little better than a farce; for it was while Colonel

1348-2. Outram was at Bombay, actually in consulta-  
 1349-3. tion with the Government, that orders were  
 1350-3. sent by Government for the memorable rein-

statement of Anundrao, in face of the strong representations of his official superior on the spot. Colonel

Outram went to Bombay a second time, to  
 1349-4. state the extreme difficulty of effective in-  
 1350-2. vestigation, from the Gaekwar, the Bankers,

and the Nagurs, who were confederated against it, being so dreaded by all possible witnesses; and while he was there, Brijrye, the victim of Anundrao, died in the Gaekwar's prison.

So also Mr. Malet, while officiating as Commissioner previous to the arrival of Mr. Sutherland, was directed, in words, to institute "a rigid inquiry" into charges against Dadoo Punt; but when he thereupon confined that proved delinquent, a measure at once

1352-9. just towards the man himself, and prudent as  
 1351-8. promoting disclosures, he received, nearly

as quickly as it could be returned from Bombay, a censure for "inadvertence" in having done so.

Looking from a native point of view at facts as they had occurred, or as they then stood, and taking into account local circumstances of unquestioned notoriety, it seems altogether impossible that a person at Baroda should come to any other conclusion than that the open boast of the corruptionists was substantially true, viz. that secret influence at the seat of Government was the real means of impunity to the evil-doers, and of disappointment, disgust, and in some cases ruin, to those who attempted to check them.

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The complicated affairs next to be exhibited occupy a year from the second quarter of 1839; they relate

chiefly to some of the persons already introduced, and require reference to some facts belonging to the former period.

1370-5. The principal character here again is Brijlal. He had escaped full legal conviction on the former trial or inquiry, partly through defect of evidence occasioned by the Government itself. The banking firm of Hurree Bhugtee before mentioned, was known to be the principal agent in negotiating bribes with natives in British employment; of this Bechurbhoye was the head, Baba Nafra the deputed manager, and the Gaekwar himself a partner. Bankers had frequently been summoned to produce their books to British authorities as evidence, and Mr. Malet wished to exercise the right here, as one means both of discovering and of checking the delinquencies of which the effects were becoming every day more apparent. He cited, therefore, Bechurbhoye and Baba Nafra: they refused to produce their books without the Gaekwar's consent, which of course was refused. Their reluctance might have been overcome; for, strange as it may seem, this very firm held a British guarantee against ill-usage by their own prince and partner\*, but they held it only during good behaviour, and they valued it as of great importance to them. To refuse to show their books for evidence in

1370-3. cases affecting the British Government itself was evidently a breach of any good behaviour which could entitle them to a continuance of the guarantee. Mr. Malet therefore proposed to offer the firm the alternative of relinquishing it or of showing their books: but this measure required the support of the Government, and that was refused. 1371-8. Meanwhile the bankers had dispatched agents

\* These guarantees originated in the disturbed times, when we entered on the occupation of some parts of Guzerat; but although both the public events have long past, and the specific obligations have long been liquidated, in respect of which these

1370-3. engagements were originally entered into, the natives, who possess the guarantees, are extremely unwilling to relinquish them.

to Bombay express. The reasons of the refusal aggravated its effect. Two cases were alleged in which it had been decided that Government had no legal power to

1371-9. enforce the production of bankers' books as evidence. One occurred at a town several hundreds of miles distant, and far beyond the knowledge of

1372-11. the people of Baroda; the other was the case of Chotum Lall, the brother of Sarabhoy, in which the people of Guzerat saw the new doctrine applied for the first time, if, indeed, it were not devised for the occasion. The Government further said, that

1371-9. the circumstance of the party holding a British guarantee ought to make no difference unless the matter in question related to the affairs for which it was originally given. But all Baroda knew that those original affairs had long been settled, so that the guarantee had been continued for many years only as a general protection against the prince, held during good behaviour. To give this reason, therefore, seemed to them merely another way of saying that on no account should the bankers' books ever be required; and this impression was confirmed when the Govern-

1375-22. ment ordered their decision to be announced to the guild of bankers through its head. What could all this be held to mean, at Baroda, in 1843, a few years later, when in Bombay itself, under the shadow of British law, the Government seized bankers' books in the course of exactly similar investigations?

Just, therefore, as in the former period was established the principle that the corruption of British political servants, serving in native territories, although they were often charged with judicial and revenue duties, could only be punished by dismissal, while judicial and revenue servants, and even political servants in British territories, were liable to seven years' imprisonment, so we start in this period with the principle that the production of bankers' books, often the only means, and always the best, of proving corruption, cannot be enforced.

The prestige of Brijlal and his confederates had been

somewhat impaired by the vigorous efforts of the local British officers, although to appearance less supported than thwarted by the Government; and Brijlal himself, suspended from office, was under accusation when Mr.

1364-18. Sutherland, the new Commissioner, reported in April, 1838, a new and "clear case" of bribery against him, and gave the facts as much in detail as usual. Motee Purshotum also was implicated—he who had been so triumphantly acquitted of having extorted bribes in Rajpeepla, and had afterwards been

1364-19. convicted. Government, contrary to custom, called for *full* reports in both cases, a requisition which bore hard on Mr. Sutherland, whose establishment, diminished by suspensions under charges of corruption, and enfeebled by the universal taint, was declared by him utterly untrustworthy and inefficient. He furnished the report, however, 1365-24. and within another month sent up three more charges against the same offender, Brijlal, all of which he considered fully proved; and he declared that, whether Government agreed with him or not, he could never trust the man again. Government refused to confirm the conviction in all the cases but one, and on that at length assented to Brijlal's guilt, and directed him to be dismissed.

We do not yet lose sight of Brijlal. In the case in which he was implicated along with Motee Purshotum, 1373-17. the facts were established chiefly by means of the books of a banker at Attersoomba, a town under the authority of the Gaekwar, seventy miles from Baroda. The banker, on citation, brought his books to the capital for examination. Detained there, however, on the business some months by the Gaekwar's obstructions to the inquiry, he not only suffered great inconvenience, but learned the new doctrine that a banker could not be compelled to produce his books. Now, the only charge then outstanding against Brijlal was that which had been proved by means of this man's books; the Government had set aside the rest. To get rid of this also would be to remove one principal obstacle to his



return to office. Accordingly, some time after the return home of the Attersoomba banker, Brijlal petitioned Government, denying the authenticity of the

1368-34.

1374-20.

books by means of which he had been convicted. Government directed the books to be sent to Surat (130 miles further from the banker's home than even Baroda), for a committee of merchants there to report on their authenticity. But, independently of any new notion of inviolability he might now reasonably entertain, this tradesman justly objected to the unreasonable expense and loss to which such a proceeding might subject him. He declined, therefore, to produce his books, and Government thereupon declined to confirm the conviction. Mr. Suther-

1367-32.

land repeatedly and very strongly urged the Government to degrade "this great culprit" by proclamation. They denied that he had been proved a great culprit, and refused to proclaim him. The natives concluded that Government did not wish to convict him; for if they had, they would have directed the banker's books to be examined at the large commercial city of Ahmedabad, not twenty miles from the banker's home, instead of at Surat, 200 miles distant.

In the East, when a dreaded oppressor in office is once seen to be falling, the long pent-up discontent soon discloses itself in accumulated accusations. Charges accordingly continued to come in against Brijlal; but of these Mr. Sutherland would not notice any to the Go-

1369-37.

vernment except one, a case in which Brijlal was necessarily included as involved in it with another person. He was clearly proved to have taken money along with Dadoo Punt, and Government were at last compelled to admit that he was not only guilty of bribery, but of the far heavier crime of falsifying recorded documents in his custody. But they still refused to proclaim him, and, like his relative and predecessor, Sarabhoy, he was suffered finally to retire on a fortune far greater than he could have realized by the honest fulfilment of his duty.

We left Motee Purshotum, under accusation, in company with Brijlal. Mr. Sutherland had confined them to prevent their suborning witnesses. Government directed that officer to permit them to reside at home with only the *surveillance* of a common messenger; an arrangement which by no means prevented the access of their confederates. Finding, however, that Motee

1355-12. was preventing the arrival of witnesses against himself, Mr. Sutherland confined him again. Several offences were proved against him to the satisfaction of Mr. Sutherland, some of direct  
1356. bribery, others of refunding the bribes he had  
1357. formerly taken, as before noticed. Govern-

ment, however, with several charges at once in its hands, took them by detail, found flaws in the evidence of each, and so got rid of them, while their accumulative effect would have been far more than requisite for rational

conviction. Motee Purshotum thus escaped  
1358-25. with simple dismissal, while Mr. Sutherland  
1360-33. strongly urged Government to proclaim him; and twelve months afterwards, it is stated by the Advocate-General, he was engaged in one of the most celebrated modern intrigues of India, to be noticed hereafter—an attempt to bribe the Bombay Government wholesale;—selected for the service by the Durbar from his former striking success.

The Thakore of Gorasur, emboldened by  
1346-7. impunity, perjured himself again in the Court of Colonel Outram, and grossly insulted that officer in the performance of his duty. Colonel Outram begged for some measure which, promptly taken, should uphold the dignity and authority of the Government.

1347-10. The Government, however, six months afterwards, merely directed the Thakore to be reprimanded at Baroda, 130 miles distant, and to be fined in an amount “consistent with his circumstances.” A journey to receive the reprimand would easily be represented to his foresters and mountaineers as a visit of honour; and the fine could only be taken as a punishment in pre-

tence, for his circumstances had been officially reported by a British Judge to be so bad "as to be against his acting honestly in proceedings brought before him."

We need not pursue the course of the other persons already introduced into this statement further. Nothing is here omitted which would alter the appearance of the facts, or the estimate to be formed of their effect on the minds of the natives. Either impunity, or punishment very like impunity in popular estimation, was still the lot of the corruptionists; labour, vexation, and the miseries of distrust embittered the efforts of the local British officers, and few were the natives who ventured to expose the misdeeds of men whom fortune, or the secret favour of Government, seemed to them so evidently to prosper.

1375-2. Colonel Outram left Guzerat in October, 1838, to join the army which invaded Afghanistan; he went first to Bombay, where he laid his impressions and opinions on the subject fully before his

1376. superiors, and showed by actual instances what were the consequences of the steps the Government had taken. He returned to Guzerat as Resident at the court of the Gaekwar in May, 1847. In September, 1848, ill health compelled him to leave Baroda for a time, and he went to Egypt, where his life was said in India, at one time, to be despaired of. Captain French was "Acting Resident" in his absence. Early in 1850, however, he resumed charge of the Residency; and to the date of this resumption our next division extends.

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We have said that Motee Purshotum was dismissed from his office in Rajpeepla, where (December, 1837)

1383-11. Baba Furkey was appointed by Mr. Malet to succeed him. Motee had learned enough to be convinced that bribery could be made gainful, while the principles of late established by the Government rendered detection far more difficult than ever. He found ere long new and congenial employment.

Baba Nafra, agent of Hurree Bhugtee's bank\*, too, had profited by observation. Events soon encouraged him to speculate more largely than ever on the chances of escape which he saw so well exemplified in the case of his confederate Brijlal and their common friends.

The Gaekwar, a partner in the house in which Baba Nafra was manager, as well as the sovereign of the country, was under certain treaty engagements with the British Government for the maintenance, out of his revenues, of a body of cavalry called "the Guzerat Irregular Horse." The abolition of this engagement had long been an object with the then reigning prince, on whom, for misconduct, it had been originally imposed. Intrigues were therefore set on foot at Bombay at considerable cost, with a view to obtaining its abrogation through the corrupt favour of the several members of the Government. Motee Purshotum, whom the Gaekwar believed to be secretly in favour with members of the Government, was one of the principal agents in the business; he was sent to Bombay. Gopallrow Myral, the virtual minister of the Gaekwar, was the soul of it; Baba Nafra also was deeply concerned, and was afterwards interdicted the Residency for his share in it. The sums allotted by the bribers, to the different members and officers of Government, but never alleged to have been received by

1360-33.

them, were as follows:—

	Rupees.
To Sir James Carnac . . . . .	1,000,000
„ Mr. Willoughby . . . . .	250,000
„ Mr. Reid . . . . .	60,000
„ Shree Crustna . . . . .	36,000
„ Dr. Brown and all the minor parties . . . . .	110,000
	<hr/>
	1,456,000

a total equivalent to 120,000*l.* sterling.

\* This bank, one of the most celebrated and important in Western India, will come frequently under notice. It seems to have existed, at the date of these events, about 76 years; and it is

It is extremely difficult to imagine that parties who had been so long in communication with the Government of Bombay should have ventured on an attempt of this character, of which even the machinery must have been very costly, and the danger in case of repulse or detection great, if they had not believed, from what they had seen, that notwithstanding all the professions of the British Government, their object could really be effected by Khutput.

These intrigues, begun in 1840, were detected and frustrated in 1842. To Baba Nafra himself, two or three years later, a still higher chance presented itself. His master, Becher Samuldass, the head of the house

323-2. of Hurree Bhugtee, died in September, 1845,

leaving two widows. Mahaluxmicebaee Settanee, the elder of these, had one child, a son, then three years old, of weakly constitution and apparently of somewhat feeble mind. Joitabae Settanee, the younger widow, was *enceinte* at the time of her husband's death, and gave birth to a son in the following month of December. The child, whether genuine, as proved by evidence afterwards, or spurious, as Baba Nafra a year subsequently and then first alleged, was at least treated as the true posthumous child of the wealthy banker; it was named and soon after betrothed in the presence of the prince, and with all the ceremonies of the caste, observed in the costly manner befitting an affluent parentage. The unquestioning concurrence in these ceremonies of the relations of Becher Samuldass' other widow, the fortune of whose son was so seriously affected by the advent of this equal sharer, seems to testify still more strongly to the

referred to in Grant Duff's "History of the Mahrattas," iii. 215, as one of the two banks in Baroda which had gained great wealth by advances, made at exorbitant interest, to the Arabs and other mercenaries of the Gaekwar, paid as they were, like all other native soldiery, with miserable irregularity. At the beginning of the present century, and before the giving of our guarantees, this bank, often opposed to the other, divided with it great part of the powers of the State—such was the influence of both these banks with the Gaekwar and the mercenaries, whom they at once supplied and beggared.

absence of suspicion at any time near to the alleged birth of the child.

Baba Nafra was not only manager of the bank ; he had himself become wealthy and influential ; and it is moreover testified of him, by one who was not his enemy, that he was at the head of a party of bankers who despotically ruled the Gaekwar, his prince, and a partner in the bank he managed. This powerful servant soon assumed a degree of control to which he was not entitled, and seems, moreover, to have formed designs in which the other widow and her weakly child were not likely to stand much in his way, if only he could rid himself of Joitabae and her son.

Accordingly, in February, 1847, when the younger widow's child was more than a year old, its parentage was brought into question\* by a plot craftily contrived on the plan of suborning persons from a village in the interior to claim either the child, or else payment of the price for which it was alleged to be sold to pass for Joitabae's own.

Joitabae, and her father, Bhanabee, were confined by Baba Nafra under guards of armed men, the former in a dark room, secured by iron bars ; the mother, Larbaee, however escaped in the confusion occasioned by the seizure of her daughter and husband ; she first resorted for justice to the Durbar (the open daily court of the prince), and failing there to gain even attention, she hid herself to avoid confinement, escaped after a time into the British territory, and went eventually to lay her daughter's case before the supreme authorities at Bombay. The son of Joitabae, alleged to be spurious, was separated from her, and sent to a village under Baba Nafra's control, where he died in about two months.

The false documents necessary to support this case on the part of Baba Nafra, and to sustain him in the position to which he aspired, were of course soon

\* It is fair to add, in estimating the motives of the parties, that the question whether or not she had given birth to a son still living, made to Joitabae all the difference between wealth and station on one supposition, and obscurity with diminished means on the other.

485, &c.  
488-4. forthcoming. One of these was an unattested will of his master's, by which he himself was appointed sole manager of the bank, and trustee of the family interests, which, if not altogether forged, must have been obtained from the dying man while insensible, and in the absence of all other persons; another was a pretended confession of Joitabae, dated while she was in actual durance, that she had never borne a child.

581-35.  
530-37.  
722.

We have stated these facts, as many of them were currently spoken of at the time in Baroda, and as evidence subsequently established them to the conviction of judges not too easy to be satisfied of their truth. Baba Nafra, however, had much to say for himself at the time; for no man would commit himself to such an enterprise without something to say, at least to those who would willingly hear him.

These things happened in February and March, 1847. In the following May, Colonel Outram entered on the duties of the Residency of Baroda, and within the next two months the petitions of Joitabae Set-tanee, and her mother Larbaee, to the Government of Bombay, stated the case, and were referred by Government to Colonel Outram for report \*. The petition

\* It is well worth noting, as illustrative of the practical defectiveness in working of our system in India, that on the 403-54. 4th May, 1847, that is, within a few weeks of the chief events, a petition was presented to the Government in Bombay, which, as Lord Falkland said long after, "contained a very clear account of intrigues stated to have been put in motion by Baba Nafra to ruin his mistress;" but this petition was returned, as not being from a party directly interested. If, however, in the system of our government in India, there had been a public assembly of any kind, in which a person entitled to British protection could present a grievance, and have it openly discussed as a matter of right, it is clear that the knowledge of the case possessed at this early period by the author of that petition might have been made available for preventing all the miseries which followed. England has such a place in her Parliament. India under native Governments has it in the public daily Durbar of the prince, however that institution may be practically perverted and debased. Our Indian Governments, retaining still the forms of private commercial consultations, have no equivalent: neither now has France, nor has Russia.

of the mother bore every appearance of truth, and proposed measures which recommended themselves, by their equity and moderation, both for investigation and

326. for the management of the property meanwhile. It however expressed great fears that right would be prejudiced by the native establishment of the Residency, which was under the control of, and in confederacy with, Nursoo Punt, the Native Agent, Baba Nafra's confederate, of whom we shall have much to say hereafter.

These parties were all subjects of the Gaekwar. Their right to petition the Government rested on the guarantee before mentioned, which clearly included the widows with their sons, and was held, by usage, to extend also to Baba Nafra, as a servant of the guaranteed firm. But then the British authorities could only deal with the case on its coming before them on complaint of some decision had under the Gaekwar's

403-55. authority. The Government on two occasions, if no more, urged Colonel Outram to report on the case; but in the first instance that officer could do nothing more than urge the proceedings of the Gaekwar's Government, and wait the result. Meanwhile at least this was known,—that at various times, from 1837 onwards, Baba Nafra had been proved guilty of great crimes in matters of which the British Government had a right to judge; besides the like wrongs he had notoriously done beyond their official knowledge. Nothing was known against the widow whom he had imprisoned.

328-17. In November a native court\* (Punchayet) was organized by the Gaekwar's Government for the trial of the case; but both Joitabae and her

\* It is difficult to convey by English terms a just idea of native Indian judicial institutions and procedure. Judges, secured in their independence by being made irremovable during good behaviour, are unknown in the native system. Disputes are investigated either by the officers appointed primarily for revenue purposes, or by a body formed extemporaneously, a kind of jury of arbitration, called "a Punchayet;" perhaps, indeed, at times by a Punchayet under presidency of a Government officer. The "court" referred to in the text is a "Punchayet" appointed for the occasion by the prince, and selected, in part at least, from the advisory and executive body



mother Larbaee at first refused to recognize it, on the ground of the glaring partiality of its constitution. Larbaee had taken refuge at Bombay, and she long refused to leave that place to attend its proceedings.

At length, however, after much shuffling on the part of the court, much reluctance from Larbaee, 330.  
331. (from fear of foul play in the depositions and from the indignity of the mode in which it was proposed to examine her,) and no little persuasion from Colonel Outram, it was hoped that the evidence would be completed ; ill health, however, drove Colonel Outram away before this was done. Joitabae and her relatives felt they were left without a friend, while Baba Nafra, with the wealth of the bank at his disposal, with influence almost irresistible in the councils of the prince, and with his confederate and kinsman, Nursoo Punt, to poison the mind of the yet unknown future Resident, was seen to have all chances in his favour, while his unscrupulous and resolute character left no doubt he would avail himself to the utmost of them. Larbaee with sagacity and courage 335.  
637. which do her infinite credit, and with reliance 406. on British honour, which ought to engage our most earnest efforts to maintain its purity,

looked forwards for eventual justice to the investigation at the Residency, which would take place on appeal from the decision of the native court ; and, accordingly, she firmly resisted the cross-examinations by which it was intended to extract from her the names of the witnesses on whom she should then rest her daughter's case ; for she well knew that in the interval between the trial before the Gaekwar's court and the hearing by the Resident, the wealth and power of Baba Nafra would be remorselessly employed to bribe and intimidate them all.

The court appointed to try her case were baffled, and they found they could only serve their friend Baba

of officers called his "Durbar." This "Durbar" was much under the influence of Baba Nafra ; and so must have been the court, or Punchayet, drawn from it, or, in the prince's name, selected by it.

Nafra by declaring that they could not close their proceedings, although the completion of the evidence as far as each of the parties interested chose to give that in its own favour, clearly called for their decision.

Unhappily Captain French, the *pro tempore* successor of Colonel Outram, allowed himself to make a recommendation in twelve days after his arrival, (Nov. 15, 1847,) which seemed to prejudice the widow's cause more deeply than ever; it was, that as the case seemed interminably perplexed with evasions and contradictions, and as it required investigations of great difficulty, and some, indeed, of offensive indelicacy, the parties on both sides should be called on for bonds to submit without appeal to the decision of a court of arbitration, to be composed of two members to be chosen on each side, with a fifth agreed on by both as their head; and in this the Bombay Government concurred. But neither was the case so perplexed as Captain French had been told, (doubtless by Baba Nafra's firm but secret friend Nursoo Punt,) nor did the offensive imputations and investigations yet remain to be made. The decision of the Court before which the case was pending had indeed been delayed for several weeks, but only by the contrivance of Baba Nafra's friend, on the speculation that something might be made of Colonel Outram's yet unknown successor.

The object of the suggestion which Captain French was thus entrapped into making, may easily be explained. In this case, which was one of persons possessing the British guarantee, the decision of a court acting under the ordinary authority of the Gaekwar, would be subject to a review by British authorities; but that of a court to which the parties had previously bound themselves to submit, would be liable to no such disturbance; where Baba Nafra was all powerful, and Joitabacee was a distressed and imprisoned widow, there was little doubt on which side such a court would determine. Bribe-proof and fear-proof Judges are not plentiful at Baroda.

341-57. Joitabae however submitted; only, she  
 453-17. desired professional assistance, copies of the papers in the case, money from the bank in which she was part proprietor for her own support (since she was destitute) and for the customary expenses of entertaining the arbitrators, and information of the persons her adversary had selected as his members of the court. She appealed on these points to Captain French (Dec. 30, 1848), on the ground, (too truly alleged, as he knew,) that justice was not to be expected from the Gaekwar's Durbar or its members; but this resort to the Resident  
 452-13. seems to have failed her; and moreover it brought down on her a threat from the Acting Resident of the withdrawal of that very protection of which she had now more need than ever, and which was indeed her last hope.

344-63. True to its policy of deceit as directed by Baba Nafra, the Gaekwar's Durbar falsely represented Joitabae as contumaciously and definitively refusing to agree to the proposed final arbitration. How far they may have speculated on the chance of Captain French being willing to let Nursoo Punt direct the pen held officially by himself, can only be conjectured; but  
 489, &c. it is certain that the letters were afterwards found to exist, by which the harassed widow had done her full part towards the proceedings, and which Captain French himself might have seen, had not his suspicions been too deeply lulled to permit him to seek them. The carelessness with which he misstated the case even contrary to the sense of letters  
 410. addressed by Joitabae to himself, is severely censured in the final minute of Lord Falkland on this business.

346-72. Strangely enough, Captain French was led to believe that Baba Nafra was originally an accomplice in the fraud of importing a fictitious child, which he now charged on Joitabae; a fraud by which the other son of his deceased master would have been deprived of half his fortune. Still more strangely,

while he must have believed either that on one supposition this man was then a great scoundrel in the first fraud on the widow, or that he was a scoundrel equally

great in the present persecutions of the  
 347-75. other, he removed the interdict to visiting the Residency which, by order of Government, had excluded Baba Nafra ever since the memorable intrigues of

1843, and which had moreover been enforced  
 946-7. anew in May 1844, on the express ground of the connection of Nursoo with these parties, then recently discovered; and, although Capt. French might have been told, contrary to fact, that this formal exclusion had long been practically disregarded, the removal of it at such a juncture did not the less appear to the people of Baroda a favour gained by their notorious neighbour, through means they knew he was much accustomed to use. Nor when Captain French suffered this man to approach him as a welcome visitor, it is not wonderful that his own statements are marked by glaring misapprehensions of facts. Joitabae is blamed by him for going to Bombay to complain, at

the very time she was a close prisoner in  
 347-76. Baroda, in a dark room; and her mother  
 772. is equally blamed for the same cause, who  
 446-1. fled in fact from violence justly apprehended.  
 455-22.

Nursoo Punt contributed his share of the  
 347-77. misleading, under the disguise of enmity to  
 637-2. Baba Nafra, his kinsman, and really his close ally. His false insinuation to the new-come

349-83. Acting Resident, that Sir R. Arbuthnot,  
 1055-15.

while holding the same office, had acted in certain ceremonial matters on the ground of the child's spuriousness, while it was really on the ground of propriety and usage, aided his purposes with Captain French, although contrariwise it had awoke at a previous period the earliest suspicions of Colonel Outram, and of an officer of the civil service, who was little prepared to believe anything evil of this old man.

Nursoo's well-acted antagonism to Baba Nafra gave the best possible cover to another proposal, by which

the latter still hoped to get rid of the only cause of fear he had, viz. British revision of the native sentence.

350-84. This device was to abrogate the guarantee of Hurree Bhugtee's firm. Captain

French urged this measure, on the ground that the Court of Directors had often desired a riddance of these anomalous engagements; that the Gaekwar's Government, so far from being able to oppress Baba Nafra, or the bankers generally, was, in reality, despotically ruled by them; and that the uses of the guarantee, which could have at any time existed, were therefore obsolete, and the original obligations, for the sake of which it had been given, had long since been discharged. The proposed measure, justifiable and even advisable on general grounds and with proper precautions, was at the moment extremely unjust to the parties immediately affected. Had this manœuvre succeeded, Joitabae would have been left entirely to the tender mercies of her spoiler, acting through the Gaekwar's Government. Joitabae expected nothing

460-8.

460-9.

less than her own death from the measure. How little she had to expect,

455-22.

455-23.

458-27.

even with the advantage of the guarantee,

may be judged of from the fact, that the

Acting Resident represented to her that the guards set over her were for her protection,

at a time when she could not move from one corner of the house to another, without a messenger in charge, appointed by Baba Nafra, moving along with her; when she had neither clothes, jewels, nor money; and while hundreds of wealthy natives had no guards, either of their prince's or adversary's, about them. The heaviest censure of Lord Falkland fell in the end on Captain

French's conduct in this part of the case.

410-107.

458-28.

Joitabae herself spoke of it with a sarcastic warmth no more than natural. Her petition

to the Acting Resident was returned to her half read; but its justice seems to have been

461-29.

465-30.

465-31.

469-34.

in some sense admitted, for the *surveillance* over her was relaxed. But still, when she

asked for copies of papers in her case, they  
 469-1. were refused. When she wished to employ  
 363-129. assistance for the management of her case,  
 she was blamed for troubling Government with agents  
 interested in fomenting quarrels. When she begged  
 that her petitions might be read, her letters were  
 returned again. She reiterated her request for equi-  
 table arrangements for the care of the property pend-  
 ing investigation; but no notice was taken of so  
 reasonable a proposal. Baba Nafra had removed all  
 the old servants of the banking-house, and replaced  
 them by creatures of his own; he was also in favour at  
 the Residency. The widow was in despair. Colonel  
 Outram was expected soon to return from his sick-  
 leave in Egypt; it therefore behoved Baba Nafra to  
 consummate his schemes quickly. Accord-  
 471-39. ingly, through the Resident, and by the for-  
 mality of a petition of the elder widow to the Gaek-  
 war's authorities, he tried to induce or force  
 482-15. Joitabae to return to the house of her late  
 husband, which was under his own absolute control in  
 all its details. She refused, unless arrange-  
 471-40. ments were made for obviating secret attempts  
 on her life. She appealed to the Government of Bombay;  
 358-13. but her representations and documents were  
 very imperfectly, if not carelessly, transmitted  
 by the Acting Resident to that authority; and as she  
 361-123. declined to bind herself absolutely to the  
 362-129. adjudication of a tribunal she could not trust,  
 under circumstances which, if left unremedied, left her  
 no chance of justice, she was represented by Captain  
 French as refusing a settlement by arbitration in any  
 way, whereupon the Government of Bombay refused its  
 further interference. She repaired to Bom-  
 472-41. bay, where her mother lay sick, whither the  
 Gaekwar himself was about to proceed on a visit of  
 state, accompanied by Captain French, and where  
 Colonel Outram was expected daily to arrive from  
 Egypt. We leave her there in February, 1850, until  
 we resume her story.

The facts we have stated, as well as many more afterwards fully substantiated, must have been well known to the numerous persons involved in, or witnesses of, so desperate and extensive a plot. Moreover, the people of Baroda knew that Baba Nafra's general character was well understood by the British functionaries from former transactions. It was, therefore, impossible that the renewal of his admission to the Residency, and the general success of his schemes, as far as they appeared to depend on the favour or inaction of the British Government, should not be popularly attributed to the hidden influences he had been accustomed, as they believed, to employ. His mission of a confidential servant, Jotesh-

wur Echaram, to Bombay in July, 1847,\*

1415-74. that is, as soon as the affair put on an ap-  
1226. pearance of unexpected difficulty, must have  
1232. strengthened their belief, and would have

done more so had they known, what was afterwards proved, that that servant spent a large sum in attempts at bribery, of which no distinct account could ever be obtained. Nor could the contrasts afforded by nearly contemporaneous events escape them. Blameless to all appearance from the first in comparison with her antagonist, (and afterwards proved to have been really so,) the widow, without his means of buying favour, had her petitions returned half read, very soon after Baba Nafra had been officially restored by the Acting Resident to the privilege of resorting to the Residency, from which he had been expressly interdicted by Government in 1843, in consequence of his connection with the intrigues of that day. Still deeper must have been the

1412-63. impression when it was known that Baba Nafra despatched again to Bombay, in August

\* Some of the papers state this journey to have taken place in 1847; others in 1848. The difference seems to arise from the native year of computation, which is of a different length from ours, dividing about the time of the journey. The date given in the text is probably the true one; but, if not, it is only necessary to add, that in July, 1848, Nafra had a reason of the same kind, almost equally cogent, for such a mission to Bombay.

1849, with a letter to Mr. Willoughby, the same person, Joteshwur Echaram, who had been employed in 1847 to endeavour to bribe Mr. Reid; and this at the very time that Captain French was urging the Government to refuse further interference, by means of representations which the Government themselves afterwards pronounced "unwarranted by the facts." The effect of the refusal could not but be to leave Joitabae to the power of Nafra, exercised through the Durbar. The interference was refused.

We will now follow more particularly the course of another individual already mentioned, viz. Nursoo Punt. This talented officer, a native of Guzerat, had served the Government for 25 years as a Revenue officer in the Deccan; he was probably one of the most able native assistants in that department ever employed, and his merits had been substantially rewarded. Nor does it appear that any charge had been made against him in that part of the Presidency which was calculated to awake unfavourable anticipations of his future service. Whether this absence of blame arose from absence of fault, or from that dread of the enmity of men in power which stifles so many complaints in the East, it is now difficult to judge. If the former be the truth, then Nursoo, after a long life of creditable service elsewhere, fell under the stronger and fouler temptations of Baroda; if the latter, we need not a more vivid illustration of one of the great evils of Oriental rule, which it ought to be our earnest ambition to remedy.

In July, 1843, on a vacancy in the highly confidential post of Native Agent of the Baroda Residency, there were two candidates—Baba Furkey, of whom we have seen something, and must see much more anon, and Nursoo Punt. The latter applied for the situation on the score of health, since, although the Deccan, where he was serving, was more salubrious, Baroda was in his native country. But the new situation was of smaller emolu-



ment than the old one by 100 rupees per mensem, or by at least one-fourth; and Nursoo, with whatever motive, asked to retain his old salary in the new situation, but without success. If health had really been his motive he would probably have preferred Ahmedabad, his native city, to which his transfer would have been at least equally easy.

944-4.  
1055-8. Very soon after his appointment, Government were told that Nursoo had taken bribes at Baroda so long since as 1832, when there on occasion of the visit of Lord Clare; but, either through the length of the time elapsed, or unwillingness to entertain such a charge against an old servant, nothing was done in the matter. It seems, however, that he did not enter on his office without at least one transaction which was very questionable, as events afterwards showed.

Nothing, then, had appeared up to this time which would have materially diminished the confidence of Nursoo's employers in him if his own future course at Baroda had nearly answered to his reputation in the Deccan. More important, however, in their bearing on his reputation, as well probably as on his own moral strength and tendencies, were his family connections. He himself had married the aunt of Baba Nafra, his sister was married into the Baba's family, his niece married the Baba's son, his first cousin the Baba's brother: his own sister is married into the family of Dadoo Punt, who, we have seen, was expelled from office for corruption; one of his daughters is married to a son, and another to a nephew, of Venaik Punt, who had been dismissed from the service of the Gaekwar and confined for misconduct, but was released in 1833 through Nursoo's influence, and who, through the same influence, was not long since appointed to a confidential and lucrative office in the Gaekwar's service. Government learned

946-7. the extent and closeness of his connections with corrupt parties at Baroda, only soon

enough to regret that they had not been equally well informed before his appointment, which, however, his high character induced them not to cancel. They confined themselves to renewing the exclusion from the Residency of Baba Nafra and others, which had been imposed on them some time before.

1122-B. This all appeared on the surface. But, from a letter found some years afterwards, he appears to have confirmed or established a corrupt connection at Bombay, at the time he passed through that city in going from the Deccan to take up his appointment at Baroda; a connection with parties afterwards proved to have been the chief agents of corruption.

1055-13.  
1403-20. Unapprised of this man's antecedents and connections, Colonel Outram found him in office, on his own assumption of the duties of the Baroda Residency in May, 1847. His skill, his methodical habits, his exact and extensive knowledge of the records of the office, together with his quiet and unobtrusive manners, gained the respect of the new Resident. Suspicion was excited only by events as they occurred.

The first of these events was the attempt, to which we have before adverted, to put a false construction on Sir R. Arbuthnot's conduct unfavourable to the genuineness of Joitabae's child. Then came 1045-17.  
963, &c. a case in which Baba Nafra endeavoured to substantiate a claim against a British ward\* of three lacks of rupees by means of the substitution of one document for another. Nursoo knew of the fraudulent nature of the claim, and had official papers in his own care which clearly showed it; but never produced them until compelled to do so. Another case was not immediately connected, like the foregoing, with Baba Nafra, but was a repetition, by other parties, of a device of his to ruin the Gorajee Pol, which had been defeated

\* The term "ward" is here used to denote a person possessing the guarantee of the British Government. In this case the "ward" was Govind Row Gaekwar, a relative of the reigning prince, living under British protection at Ahmedabad.

by Mr. Malet in 1837; and here again Nursoo, ever ready, methodical, and exact on all other subjects, failed to produce the information he possessed, which would have proved the case conclusively against the plotters.

Thus, before he was aware that Nursoo and Baba Nafra had close family ties, Colonel Outram became convinced of their collusion. Alarmed, it seems, at an

unexpected strictness of supervision, and at  
 1056-19. Colonel Outram's vigorous measure of em-  
 962.

employing Baba Furkey to unravel the intrigues of Nafra in which he was himself involved, Nursoo applied in June to be removed to employment elsewhere.

1404-\*. Colonel Outram, not aware of this application, had reported unfavourably of his conduct in the cases above mentioned, and had shown that he must have been guilty either of corrupt collusion with Nafra, or of culpable neglect. He recommended, however, that Nursoo should be permitted to profit by any doubt the Government might entertain, by being allowed to retire on the pension due to his length of service, for which he had then applied. Colonel Outram

1407-†. had, however, charged Nursoo himself personally with his faults, who thereupon sent a

958-20. petition by a private channel to Bombay without the knowledge of his superior, praying that he might not be condemned unheard; which petition was received by the Government, although presented in so irregular a manner.

In this state of things ill health necessitated Colonel Outram's departure for Bombay (12th September, 1848), where he stayed six weeks, and where he repeatedly offered any personal explanation required by

1408-47. the reports above mentioned, which he had sent to the Government some weeks before.

He had no opportunity, however, of discussing the reports, for they were always "in Mr. Reid's hands." Nursoo's irregular petition for a hearing was not breathed of to him then, and a copy of it, when its

existence had come to his knowledge long after, was refused him. Having apprized his acting successor, Captain French, of the state of things at Baroda, and in particular of the estimation he had been compelled to form of Nursoo Punt, Colonel Outram left Bombay for Egypt in November, 1848. He went away impressed with the belief that his unfaithful Native Agent would be permitted to retire on his pension, according to his own ostensible application, but really to return early in 1850 to a final struggle with him.

The events of that interval now claim our attention, one topic, however, being first noticed. The fraud attempted on British subjects by the bank of Hurree Bhugtee through Baba Nafra, its manager, seemed to Colonel Outram amply sufficient, independent of its known complicity with corruptions of former dates, to justify the cancelling of the guarantee which in fact it held only during good behaviour. That measure, which in a more general form had been repeatedly pressed by the Court of Directors, he strongly urged on the Bombay Government, but without effect. Happily, in this case, the success of the Baroda corruptionists, if they really influenced the question, preserved the very authority which afterwards brought them to justice.

It will be remembered that at the period of Colonel Outram's departure from Baroda on sick leave, 12th September, 1848, the proceedings of the native court in the case of the widow Joitabae awaited apparently only a formal conclusion, which seemed to be delayed merely for the chances which the coming change at the Residency might afford in Baba Nafra's favour. A period of about seven weeks elapsed before the new Acting Resident, Captain French, arrived. On an early day in this interval Nursoo surreptitiously obtained the signature of the First Assistant in Charge to a statement that the British Government

would interfere no further in Joitabae's affairs. To Baba Nafra the importance of such an intimation to the harrassed widow consisted in its being calculated to induce her to give up the contest in despair. But the Assistant had no authority to make such a declaration, nor would "he have dared" to commit himself to an act which transcended the powers even of the Resident, his superior, had he been present. His signature was obtained by fraud.

Little more than a fortnight after this achievement, a sum of 28,070 rupees seems to have been received by Nursoo from Baba Nafra, a part of a much larger sum agreed on between them, whether for Nursoo's own benefit, or under the pretence of bribes in higher quarters, seems uncertain. The curious discovery of this transaction three years afterwards, and the trial on which this was one of the charges, will be noticed hereafter. The facts just stated failed of legal proof, but were held by the Commissioner who tried the case to attach "great suspicion" to Nursoo, in which opinion the Government found itself obliged to concur.

Captain French arrived at Baroda on the 2nd of November, 1848, with but little disposition to suspect his Native Assistant. The warnings of Colonel Outram as to both Nursoo and Baba Nafra had small weight with him, and the records of the very recent cases in which Nursoo's conduct had lost him the confidence of one superior seemed to be fruitless even of caution to the other.

With incaution apparently induced by recent and evident success, Nursoo seems at this juncture to have boasted openly of the favour and support of Mr. Reid, to have expressed his contempt for the opposition of Colonel Outram, and is even said to have vaunted the sums he would spend in procuring the assistance of European gentlemen at Bombay. This conduct was denounced to Government at the time, 25th November, 1848; and if the pseudonymous authority on which the accusation

1409-†. achievement, a sum of 28,070 rupees seems to  
1012-6.  
1067-1.

1022-V. the Commissioner who tried the case to attach  
"great suspicion" to Nursoo, in which opinion  
the Government found itself obliged to concur.

765-42. Captain French arrived at Baroda on the

951-J. recent and evident success, Nursoo seems at  
1012-8.  
1023-46.

rested, was no better than such as in most instances in India first timorously brings oppression and abuses to light, it ought at least to have been held good enough to require instant and urgent inquiry. Any such inquiry

950-B. was, however, omitted, if not stifled, for the time, and was effected at last without the good-will of the Government of Bombay.

335-36. With such an adviser and informant as  
760. Nursoo at his elbow, Captain French found means to report on Joitabae's case on the twelfth day after his arrival at the important and busy station of Baroda; and, as already stated, he was betrayed into recommending that the inquiry into it by the native Court, then far advanced towards a conclusion, should be re-opened in the form most of all favourable to the success of Nursoo's secret and most unscrupulous friend. No doubt, however,

761-17. Captain French was persuaded that he could give the affair a different turn; an opinion in which his official superiors afterwards greatly disagreed with him.  
411-113.

Recollecting that our principal object is to estimate the effect of facts as they occurred on the public mind at Baroda, it is now important to note in detail the events of December, 1848, and the following month.

Government already knew Nursoo's intimate connection with Baba Nafra; Baba Nafra had himself long been well known to them as an inveterate corruptionist; Nursoo had just been denounced to them by Colonel Outram as untrustworthy, and as probably in deep actual collusion with Baba Nafra; and he had also been accused, in a petition then before them, of openly boasting, in Baroda, of his reliance on Mr. Reid, and of indicating, not obscurely, the means by which he could and would extend his influence at Bombay.

Under these circumstances, Government, while it confirmed the conclusion of Colonel Outram, that the firm of which Baba Nafra was manager had endeavoured to defraud Govind Row Gaekwar, a British

ward, of a very large sum, took no notice of  
 1406-37. the fraud, amounting to constructive forgery,  
 1408-note. by which it had been attempted, nor did they  
 of two letters to Members of Council, intimating, in no  
 ambiguous terms, that they would find their advantage in  
 favouring the house of Hurree Bhugtee; they  
 962. censured Colonel Outram, in his absence, for  
 960-25. employing Baba Furkey in a case for which  
 that native was especially fitted, when he could no  
 longer trust Nursoo in it; they acquiesced in  
 361. Captain French's proposal for a new inquiry  
 409-99. into Joitabae's case, which (although doubt-  
 less they did not then know it) would have deprived that  
 lady of her best chance of justice; and they censured  
 Colonel Outram's treatment of Nursoo, defend-  
 663, &c. ing that native official against the conclusions  
 1406. of the Colonel, on the strange ground, that  
 since it was the Resident's duty to ask questions, it was  
 no crime in this confidential agent to omit to state what  
 he knew, however vitally it affected the case, if only he  
 were not asked about it. Moreover, the Government  
 virtually asked Nursoo to withdraw his application for  
 pension and to remain at his post, on the ground  
 that while Colonel Outram's charges against  
 979-39. him "did not require explanation" from  
 961. Nursoo "on any single point," Nursoo might  
 have applied to retire, "from feeling it impossible to  
 serve under Colonel Outram, after what he may con-  
 sider the unjust treatment he has received at his  
 hands,"—a difficulty then for the present removed by  
 Colonel Outram's absence on sick-leave.

More strange still, however, were the following oc-  
 currences:—

On the 3rd of January, 1849, some person  
 1061-34. in Bombay, never clearly identified, wrote to  
 1411-52. Nursoo the following letter:—

"The Honorable Mr. Reid desires me to inform you  
 "that your petition, dated 18th September last, has  
 "been received by Government, and, after carefully  
 "reading it, and taking into consideration your services

"for thirty years, Mr. Reid wrote a minute, strongly recommending your case to the merciful consideration of Government. Accordingly, an order will be issued in a few days to Captain French, desiring him to tell you, that as Colonel Outram is gone from Baroda, if you wish to continue as Native Agent, Government will have no objection to your withdrawing your application for pension. Captain French will also be informed that Baba Furkey is not to be allowed to have any thing to do with Government business.

"Mr. Reid says when he goes out of council he will recommend you to the protection of Mr. Willoughby\*, but that you should be very careful how you conduct yourself: you must not on any account allow your private feelings of enmity against Baba Nafra to interfere with the business of the house of Hurree Bhugtee at the Residency. That firm is an old firm, and in consideration of the services which that firm rendered in former years to the Gaekwar Government, the Bombay Government treats them with respect; and though Colonel Outram strongly recommended that their bhandree (guarantee) should be cancelled, still, by the favour of Mr. Reid and Mr. Willoughby, this has not been done; therefore you must not try from bad feelings to injure that firm.

"Yours, &c.

(Signed)

"J. R. MAURRICE."

"P.S. Keep the contents of this letter secret, and as soon as you read it write an answer to me, and thank Mr. Reid for his kindness to you. Address me by post, at Mr. Reid's house, Bombay."†

\* Baba Nafra sent one of his known emissaries of 1412-63. corruption to Bombay with a letter for Mr. Willoughby in the following month of August.

† The reference to Nursoo's enmity to Hurree Bhugtee's firm, that is, to Baba Nafra, its manager, is only to be accounted for by remembering that, at this time, Nursoo kept up a feigned appearance of enmity to his real confederate Baba Nafra. If this letter were obtained from Bombay by some mere trick of Nursoo, and at his own dictation, in order to keep up his importance at Baroda at this



This letter, it was afterwards found, faithfully pre-informed Nursoo of the impending resolution of the Government in his favour in every particular. He received it on the 7th of January, and not long after showed it about, so far at least that a copy of it subsequently reached the Resident. Whoever the writer, it was written while Government had before it, as we have seen,

1. A petition of Nursoo, not yet disposed of by them.
2. A charge of Colonel Outram's of two attempted frauds on the part of Baba Nafra and others.
3. A charge of Colonel Outram's against Nursoo of collusion with Baba Nafra in those frauds.
4. An application of Nursoo's to be permitted to retire on a pension.

Government had also just before fallen into Captain French's views as to a new court in the Joitabae case.

Now let us see what are the accompanying occurrences.

This letter reached Baroda on the 7th. Government dispatches, exactly corresponding in substance with its contents, arrived at the Residency on the 8th and 15th. On the 4th, Government, assuming that Nursoo had been induced to apply for his pension in consequence of Colonel Outram's treatment of him, told him, as we have before shown, that they had no objection to his withdrawing his application.

The pseudonymous petition presented to them on the 25th of November, accusing Nursoo of boasting of Khutput influence in Bombay, was only referred by Government to Baroda for inquiry on the *very same day*

particular juncture of Joitabae's case, we may easily suppose him to have used this expression to aid him in keeping up the false appearance of disagreement. But this supposition that the letter might possibly be concocted by Nursoo himself, only lets in the harsher inference that he believed an imputation of corruptibility would be of little prejudice to himself at Bombay. If the letter were really written by some person in Bombay, deceived as Captain French at one time seems to have been as to the relations between Nursoo and Baba Nafra, that person could only be one who had long been in communication with both, and who wished to serve both his old friends, now apparently at variance

(January 4th) that they asked Nursoo to withdraw his application for retirement. The latter despatch arrived first at Baroda. The answer to the reference of the accusatory petition was sent, after a single day's inquiry at

1410-\*. Baroda, a city of 80,000 inhabitants, and was to the effect that no such person as the ostensible petitioner could be found. On the 17th, that is,

453-17. within ten days of the appearance of these documents at Baroda, Joitabae, then in durance, was threatened that if she complained again of the probability of injustice at the hands of the Gaekwar's

461-29. authorities her petitions would be returned unread, a threat soon afterwards carried into effect.

What possibility remained but that coincidences, preferences, anticipations, and information so extraordinary, should be universally attributed to Khutput?

The explanations afforded of these facts long afterwards are not of a nature to relieve very greatly the impression thus produced by them. They are, chiefly,

1082. that the petition against Nursoo, being in  
1083. a native language, was long in the translator's office, and that Government never could find out who wrote the "Maurrice" letter. It is clear, however, from the Chief Secretary's statement, that the pseudonymous petition which charged Nursoo with openly boasting of the corrupt favour of Mr. Reid, was actually in circulation amongst the members of the Government at the time they wrote the letter inviting Nursoo to remain in the service.

Amongst the unaccountable facts of the subsequent part of Captain French's incumbency is the letter he wrote to Government on the 22nd of February, the month following the occurrences above mentioned.

347-75. He said that Baba Nafra is one of a party of bankers who rule the Gaekwar and his court despotically. On the 28th of the same month he officially informed the Durbar that he had re-admitted Baba Nafra to the access to the Residency, which had been forbidden to him originally in 1843, and again in the following year. In April he returns a petition of

Joitabae's half read; and from the twelfth day after his arrival, through all the term occupied by these transactions, down to the following May, he urges the constitution of a new court of arbitration under the authority of the Gaekwar, ruled despotically as he had described him to be by Baba Nafra and his friends. These facts are here adverted to a second time only to show the connection with the Khutput proceedings in Bombay, in which they necessarily appeared to stand in the eyes of the people of Baroda.

1383-10. Let us now review the very different course of Baba Furkey. In December, 1837, Motee Purshotum was suspended from the office of head carkoon of the Rajpeepla district, under the charges of extortion and bribery already stated. Baba Furkey, who had greatly assisted the inquiries into corrupt practices prosecuted by Mr. Malet and Colonel Outram, and had been much persecuted for that and other reasons by the then Gaekwar, was appointed to the situation by the first-named functionary. During the twenty months

1383-12. that he served in this office, under Mr. Malet himself, he earned a highly honourable testimonial, and he seems to have continued to afford such assistance in the exposure of corrupt intrigues as either the fears or the interests of almost every other native rendered it impossible to obtain from any other quarter. The Nagurs had been unearthed mainly by his digging, and if he had been vulnerable to their fangs he would not have been spared.

He appears to have fulfilled the duties of his office to the satisfaction of Mr. Malet's successor, when

1384-15. suddenly the appointment he had held for more than five years was, in March, 1843, broken up into four smaller ones; the displaced Baba, with or without his own concurrence, was left out of the new arrangements. Not a single fault was attributed to him; his six years of office did not afford his many enemies the means of advancing one single accusation, and surely, if there is one native of India deserving respectful consideration, it is a member of a noble

house, fulfilling with honourable fidelity the service he had sought in the subordinate ranks of the Government which had supplanted the power of his ancestral race. If there is one man in India to whom the heart of a British officer should warm, it must be to such a man, honestly and courageously fulfilling such a trust, when all was corruption, either in its temptations or its

1384-18. rage, around him. But, shame to say, it was afterwards avowed that the office filled by

Baba Furkey was to be broken up for the mere purpose of getting rid of him. The reasons given were his great influence and his large expenditure. The first, an honest man in office is sure to have where honesty

1387-33. in office is rare; the second was proved to be entirely a misapprehension, in as far as it was not a misrepresentation. The Baba, too,

1385-22. was charged, with having an independent bearing; a crime, surely, only in the eyes of those who look forward to the future of India as a perpetuity of degradation. But the officer who for such reasons at last effected his removal never reported his faults until the opportunity of action served the turn.

1054-1. In the month of July following, the situation of Native Agent to the Baroda Residency became vacant by the dismissal of Hurreelal, who had been concerned in the Dackjee Dadajee intrigues. Baba Furkey, as we have seen, was one of the candidates for the situation, another being Nursoo Punt, who obtained it. The then officiating Political Commissioner, Mr. Remington, was required to report on his qualifications, and this chanced to be the very same officer who had successfully contrived a few months before to get the Baba dismissed from employment by the costly and circuitous device of re-constructing the official arrangements. The substance of his report we have already given, for it was on that occasion that he avowed the motives and purpose of his former proceedings. On the report of Mr. Remington,

1389-40. the Government resolved, 20th May, 1844, that Baba Furkey was "a very unfit person to be em-

ployed in any political capacity." That is to say, at the very time that Government had just learned that Nursoo, known to be most intimately connected with the men who at that time were excluded from the Residency for recent and scandalous corruption, obtained the vacant appointment, while the man who had served the Government so faithfully for nearly six years, that a fault was not to be found by means of which to get rid of him, was not only refused the post, but branded as unfit for employment. Moreover, this man, who, while as yet he was no servant of the Government, had aided it as no other native could or would aid it, in exposing and defeating corruption, had this stain affixed on him, promptly and certainly, without an opportunity of explanation or self-defence; but unfaithful officials had been discarded only after accumulated accusations and formal trials, and when apparently every device had failed to screen them. To what possible conclusion must these notorious facts have led the Prince and people of Baroda?

The Baba, however, residing yet at Baroda on account of the unsettled claims of his family on the Gaekwar, still sought to be reinstated, at least in eligibility for employment. His antagonists opposed to him a fictitious petition, which, on reference

1389-41.

to Mr. Andrews, then Officiating Resident; was found to contain statements of which no proof could be discovered; and this was his position in May, 1847, when Colonel Outram entered on the duties of the Residency. He sought to see his old superior, now returned to fill the highest British official

156.

situation at Baroda; but he was repulsed by him as under an official stigma. He then petitioned the Government of Bombay for employment, and happily so far succeeded as to have leave, "on a vacancy occurring, to apply to the local authorities."

1390-\*

The date of this permission is July 5, 1847, about six weeks after Colonel Outram assumed his office. It was during the next twelvemonths that the Resident, in investigating the affairs of the

Gorajee Pol and of Govind Row Guicowar, found reason, as we have already said, to distrust the integrity of his native agent, Nursoo. Casting  
 1390-43. about for the means of effecting his investi-  
 1056-19. gations, which especially required the aid of native experience, he could think of nobody at once competent to such a task, and sufficiently independent of the corrupt or menacing influence of Baba Nafra and his associates, but his former able and courageous assistant, Baba Furkey. Turning, with more of regret than of hope, to the records of the office, he found not only that the ban was originally put on Furkey for most insufficient or fallacious reasons, but that even, such as it was, it had been rescinded by the permission to apply for employment subsequently given. This discovery, while it deepened his impression of the disingenuousness of Nursoo, who had misrepresented the case by his former trick of omission, left him free to seek the aid of Furkey.

962-A. By that aid these intricate cases were unravelled; the attempted frauds were made clear; and the complicity of Nursoo with those frauds was established by proofs which, three years later, procured his conviction on the most important charge, in which Nafra also was concerned, and subjected him to "animadversion" in respect of the other. The reports of Colonel Outram, founded on these proceedings, were duly forwarded to Bombay; he followed in search of health, and, before he proceeded to Egypt, offered every explanation both of the cases themselves and of the grounds of his opinion of Nursoo. No opportunity was  
 962, &c. given him. Yet, four months after his departure, Government sent a letter to Baroda, dated 12th January, 1849, to which we have already adverted, in which, while they confirmed his conclusions, they censured him for expressing suspicion (and it was no more) of Nursoo, and for employing Baba Furkey, by whose aid alone he could have established those conclusions; they justified the proceedings of Nursoo Punt, who, let alone, would have effectually falsified them;

and they erroneously blamed the Resident for knowing  
 978-35. the records of his office so little as to suppose  
 Furkey was eligible for employment, while  
 in reality they so far overlooked their own as to forget  
 that the unmerited exclusion of him had been repealed.

When Colonel Outram first applied to Baba Furkey  
 to aid in these inquiries, that experienced native declined  
 the employment, on the ground that any aid of  
 1390-45. his, if successful, would infallibly draw down  
 on him the ruinous vengeance of powerful  
 and unscrupulous persons whose frauds might be exposed.  
 On the assurance of the Resident, however, that no harm  
 would be permitted to reach him for faithful service to the  
 British Government, he undertook the task : how well he fulfilled  
 it we have seen ; how he suffered for it we have yet to see.

It will be recollected that it was just at the date of  
 Colonel Outram's departure, and of his Report of the cases  
 in which Nursoo had misled, and Furkey had assisted him,  
 that a crisis occurred in the far greater game of Joitabae's  
 child and property, which Baba Nafra was then playing.  
 An inquiry was all but concluded, which would pass  
 on appeal into the hands of the Resident. If either the  
 impending decision could be prevented, or the new Resident  
 be sufficiently biassed, the game might be won. But the  
 most dangerous man to them, in the absence of Colonel Outram,  
 was Furkey, known pre-eminently for his hostility to the  
 party of corruptionists, and recently employed with searching  
 effect against them. He had passed into the service of the  
 Gaekwar, probably not without contrivance of his enemies,  
 since he was thus, to a certain extent, stripped of his  
 advantages as a British subject. The Gaekwar, a young and  
 inexperienced prince, who had very recently succeeded his  
 321-14. father, was ruled by Nafra and his confederates,  
 as Captain French soon after testified. If the Gaekwar and  
 the coming Resident could be made to distrust Furkey, the  
 means of detection most likely to be used with effect against  
 them would be set aside. A

character attested by years of honourable service did not seem a formidable difficulty, when a feeble prince and an unsuspecting Resident were to be misled. The

1412-59. Government of Bombay were already sufficiently prejudiced against him; for at the very date of the "Maurrice" letter, and of the invitation to Nursoo to remain in the service, Government directed the Acting Resident not to allow the interference of this person (Furkey) "in any Government business whatever." The only danger was that of a revision by Colonel Outram on his expected return from his twelve months' leave in Egypt; the fear of which, however, was much diminished about the middle of the year, as we have already mentioned, by reports, but too well founded, of his increasing sickness.

Accordingly, about the end of May, 1849, not many weeks after Captain French had returned

461-29. Joitabae's petition half read, and had induced  
407-85. Government to adopt his resolution of  
407-79. interfering no further in her behalf, that officer found, or rather made, an opportunity of insinuating into the mind of the Gaekwar, the dislike of Furkey, which he himself had been misled to indulge. Captain French had failed to induce the Gaekwar to adopt one of his plans of improvement, very

237-8. laudable in itself, that of general vaccination;  
1391-53. and the ostensible objection, though probably  
291. not the real one, was that of expense; whereupon he said to the prince, that if he could not afford such improvements for such a reason, there was little wisdom in employing Baba Furkey at 200*l.* per annum, a man whom his father had expelled from the city. Here was in fact a suppression of an essential part of the matter, into which none had such an opportunity of leading the Acting Resident as Nursoo Punt: for while it was quite true that the Gaekwar's father had expelled Furkey from the city, it was equally so, and much more to the purpose of Captain French's guidance, that the Resident of that day had so judged of the case as to do his best to protect and befriend him,



and that the animosity of the reigning Gaekwar of that day was in great part occasioned by Furkey's aid in exposing the intrigues for corrupting the servants of the British Government, in which that prince himself was deeply engaged.

The insinuation had, however, another sting. The blame of the opposition to his well-intentioned plans was laid by Captain French on the Killeedar, or treasurer, one of the Gaekwar's chief officers; and although

237-9. the young prince was induced to take it on himself, the imputation (for it was meant to be such) was soon after made to take effect. At present, the only consequence was Furkey's loss of his appointment in the Gaekwar's service.

In a native State there always exist schemes, more or less visionary or real, for displacing the reigning prince in favour of some other issue of the polygamitic connections of the previous ruler. Not long after the

237-10. dismissal of Furkey, on the insinuation just mentioned, the Gaekwar became alarmed at a fancied or actual discovery of such a plot, in which he was made to suppose that his Killeedar and Baba Furkey were concerned. He resorted in trepidation to the Acting Resident, who thereupon referred to his former hint in the vaccination affair that the Killeedar and Furkey were in collusion, and he expressly told the prince, that as neither of them was a British subject the remedy lay in his own hand. Accordingly, a

238-12. few days afterwards, the Baba's house was  
292. surrounded by fifty or sixty armed men, his  
1392-54. papers were searched, some of importance to his old family claim on the Gaekwar's Govern-

ment were abstracted, others tending to implicate him were introduced, his house was placed permanently under a guard of ten men, the ample securities he offered for his appearance were refused, and he himself  
1394-63. was kept in close confinement two months and a half. Captain French says he in no way in-

1396-71. terfered, and doubtless he meant his con-  
238. duct to be neutral; yet there are traces of at

292.  
1393-58. least so much encouragement of his to the line of conduct of which this outrage was part, as to fairly account for the Baba afterwards attributing the outrage itself to his influence.

Only two papers were found or placed in the Baba's house which could be made in any way to implicate him, and on those no steps were taken against him, whether from his peculiar handwriting having rendered a passable forgery too difficult, or from the papers themselves being insufficient to sustain a charge. Nor does it appear that any pains were taken to preserve the papers or copies of them, or to prevent substitution, afterwards strongly suspected. Furkey petitioned the

292.  
1392-55. Bombay Government, 13th November, 1849, for protection and redress: his petition was six days afterwards referred to Captain French, who answered in three days more, that Baba Furkey was not then a British subject, although he might formerly have been so\*. Government at once adopted this conclusion, on what was afterwards declared

33-8. by the Court of Directors to be "most insufficient grounds;" and they endeavoured to strengthen their case by alleging, that Furkey, having taken employment with the Gaekwar, must be held as liable, without their interference, to the usual incidents of such a service, and "His Lordship in Council did not deem it necessary to interfere to prevent injustice." But since it was admitted on all hands that Furkey had been at one time a British subject, and since, according to our maxims, he could not divest himself of the responsibilities of one, it ought to follow that he could not be deprived of his right of protection, except in matters relating to the

\* This petition appears to have been written in English, and that may be said to account for its quick dispatch. But the natives could not fail to remark, that a petition against Nursoo lay two months or more before it was sent for reference, of which time nearly one month was consumed in the same official round of circulation that was accomplished in this case in six days.

foreign service, which, with its incidents, he had undertaken; and it nowhere appears that the charges against him were connected with that foreign service. Nor can we forbear to ask, how it happens that Britain, which so strongly, and almost alone in the world, maintains the doctrine of an indefeasible allegiance, should be able, in India, to shake off the converse responsibility of sovereignty, viz. protection, as in this and other cases, where the fulfilment of such converse obligations have chanced to be inconvenient.

1394-66. So little was the Baba in favour, that the English clerk in the Residency Office, the only available person, was afterwards fined a month's pay, and was sternly rebuked for writing a petition in

1395-68. English for him. Furkey, however, petitioned the British Government again on the 4th and 21st December for release under securities; and on the 10th of that month, his brother showed clearly that he was a British subject. Of these representations no further notice was taken than his release on bail, an advantage which he probably owed, in at least an equal degree, to the approach of Colonel Outram's return to Baroda, then beginning to be generally known.

1395-69. Baba Furkey wrote to Colonel Outram at  
1395-68. Bombay; the letter was sent to Captain

French for reply, but nothing was elicited. One of the conditions of his release was, that he should not leave Baroda for three months, the object of which was doubtless to prevent his presenting himself at Bombay to lay his case before Colonel Outram there, during the then impending visit of the Gaekwar to the Presidency under the guidance of Captain French. In the following spring, that of 1850, we find in Bombay most of the personages of our history, viz. the Gaekwar, Colonel Outram, just returned from Egypt, and about to resume his duties at Baroda, Captain French, Nursoo Punt, the lady Joitabae, and her mother Larbae. Thus is introduced the final section of our story, with its strange and complicated changes.

In the events just narrated, is it possible that the

people of Baroda should not have believed they saw the plain and certain effects of Khutput? The party known to be deeply active in its intrigues were in favour and power. The Gaekwar was known by the Resident to be ruled despotically by them; the Resident nevertheless rescinded the exclusion of their chief (Baba Nafra) from the Residency, and took exactly the measures most likely to promote their great object, the plunder of the Hurree Bhugtee bank; of the principal proprietesses of the bank, one was reduced to insignificance, the other was robbed,

499-2.

imprisoned, maligned, and deprived of her child; Nursoo Punt and Baba Nafra swelled and basked in the plenitude and security of fortune; Baba Furkey, the old and staunch opponent of Khutput, was disgraced, imprisoned, and ruined, and the earnest avowal of the Gaekwar, two years later, of a

930-17.

934-1.

full belief that he was innocent, and had been deeply wronged, was not yet available for either his justification or his comfort. To support this view in the eyes of the observing natives, it was by no means necessary to make out Furkey, or even Joitabae, altogether blameless in every particular of their lives: it was enough that they were evidently wronged; that the wrong could not have been effected without the aid, active or passive, of the British authorities; that the wrong doers prospered; and that no motive comprehensible to the natives could be assigned for the strange and unvarying uniformity of these results, but the damning influence of Khutput.

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Appearances little indicated the storm about to rage amongst the persons assembled in April, 1850, at Bombay. Colonel Outram, ignorant of much that had passed at Baroda during his absence in Egypt, seems to have expressed to Nursoo, in Bombay, a willingness, since "Government considered him innocent, that bygones should be bygones," and a hope

764-32.

(by no means unreasonable, considering Nursoo's reputation with others) that he would give no further occasion for complaint. The Native Agent, however, seems, for whatever reason, to have thought it expedient

999-60. to obtain his own removal to an equally important office at Ahmedabad his native city.

Baba Furkey had written to his old superior in Egypt on the wrongs he had suffered; and  
1396-71.

Colonel Outram handed the letter to Government, when at Bombay. Captain French, when referred to, merely gave a general denial that Furkey had experienced any enmity from his native establishment; his letter, however, clearly showed that the Gaekwar habitually consulted him about this disliked native. Colonel Outram seems to have had his attention engaged to this case, as a principal subject of inquiry, very soon

1397. after his arrival at Baroda by a petition of

Furkey's to the Government. He asked both Government and Captain French what share the latter had in the proceedings of the Gaekwar's Government against Furkey; but Government thought it inexpedient to re-open the question, and Captain French declined to answer, on the ground that he was responsible to Government alone. Within the first month of his renewed residence at Baroda,

235-4. Colonel Outram defended the right of Furkey  
1397-76. to the designation and privileges of a British  
8-4. subject to the subsequent satisfaction of the

Court of Directors, and traced his sufferings to the vengeance of Nafra and Nursoo, operating through the

235-4. unsuspecting agency of the late Acting Resident. The Bombay Government gave Colonel Outram "a virtual rebuke for bringing forward the

subject;" for which, and for omitting to call on Captain French for explanations, they were themselves rebuked by the Court of Directors.

Joitabae, then also in Bombay, addressed to

771. the Government a petition which may be

referred to as a clear and truthful statement of facts as they were afterwards established by

evidence, as a remarkable picture of the grievous defects of Oriental government, and a striking instance of the solicitude with which the principles of English justice are invoked even by those who have but little conventional right to their protection. Govern-

ment, however, guided by Captain French's  
 406. representations, still believed her only a de-  
 409. feated impostor, and again refused to inter-  
 397. fere in her behalf. Colonel Outram himself,  
 774-5. although he had a somewhat different opinion  
 774-7.

of her case, was, as yet, labouring under a belief, from the Acting Resident's representations, of Joitabae's contumacy, and could see at this time no means left of settling a dispute which wore so strange and complicated an appearance, but such an arbitration as Captain French had already proposed.

The causes of a change were, however, already in operation. During the first month of his renewed incumbency, Colonel Outram received, through the Government of Bombay, the remarks of the Court of

Directors on two important cases. The first  
 770.

was that of Joitabae, then almost closed, in the estimation of the Home Authorities, by Captain French's confident assertions of the spuriousness of the child; the other that of the fraud attempted by the

Hurree Bhugtee Bank, that is, by Baba  
 1406-†. Nafra, on Govind Row Gaekwar, by the substitution of a false bond.

Induced, and indeed required, by the opinions expressed by the Court, to re-investigate these matters, Colonel Outram was no doubt further stimulated by finding in the office at Baroda, on his return, the letter of 12th January, 1849, which the Government had addressed to the Acting Resident in his absence, in which, while the conclusions he had arrived at by the

aid of Furkey were adopted, the dishonesty  
 962. of Nafra (necessarily admitted in fact) was passed over in silence, the conduct of Nursoo was zealously excused, and his own proceedings subjected to a very strong implied censure.

Thus forced to resume his old investigations, other occurrences afforded unexpected facilities to his efforts, and gave them the vigour which arises from the distinctness of immediate purpose.

The dreaded influence of Nafra was indeed active and intense, but it was only of that unsubstantial kind which is acquired by mere audacity of resolve, associated with cleverness of device. Like all other men who succeed by means of such qualities, Nafra lacked the wider and safer views, and the just principles of management, which lead, if anything can, to permanent success. Accordingly the affairs of the bank began to show symptoms of disorder and decline, which were attributed to his reckless unskilfulness, even before men dared to speak openly of the sums he lavished on bribes in all directions, and of his embezzlements for his own direct profit.

As, however, vast wealth still remained, Nafra and the bank might have held together some time longer, but that he ventured, in the security of success, on extreme ill-usage of some dependents who had been his accomplices (from fear, they said) in his oppression of Joitabae and his abduction of her son. These men, whether from present suffering (for they were imprisoned by him, and had been for four months), or from revenge, or from remorse on seeing their late

master's family ruined, made such statements  
 499. to Colonel Outram, 3rd July, 1850, as to re-  
 779. quire the arrest of Nafra by the Gaekwar's  
 370. Government at the Resident's instance, on  
 a charge of abduction of the child, and suspicion of  
 having compassed the murder of it. Mahaluxmee,  
 520. who had been intimidated into silence from  
 the first by Nafra's treatment of her fellow-  
 widow, Joitabae, was released at the same  
 371-15. time from the thralldom in which that usurping  
 steward had lately held her.

Nafra seems to have betaken himself at once to measures of defence. The day after his arrest he pro-

777. cured by misrepresentation Mahaluxmee's  
520. signature to a petition containing false allegations, which he despatched to the Government of Bombay, who sent it to Colonel Outram "for his immediate attention." Joitabae, let it be remarked, against whom no single wrong act had been established, was then living friendless and repulsed in Bombay, while they bestowed this speedy care on a man proved years before, as they *knew*, to have been steeped in corruption (for their predecessors had excluded him from the Residency for it), in which corruption native public opinion associated themselves with him.

787. The stricken delinquent next pursued with vigour his attempt to bribe Nursoo's successor, Soorujram, which he had commenced on that native officer's appointment, a few weeks before. Nor was he too soon; for Colonel Outram had already caused the books of Hurree Bhugtee's firm to be seized and brought to the Residency, when Nafra sent 20,000 rupees to Soorujram, who had been instructed by his superior to entertain the offer, in order to the more effectual defeat of the present and discouragement of future attempts. The money was seized, under the information of Soorujram, while actually on its way to him, and indubitable evidence of its sender, progress, and destination was secured\*.

787. It was not until things had reached this pass, and much confirmatory evidence had

791. \* Colonel Outram urged that the decision of Govern-  
1437. ment in this case should be given at once, in order that the difficulty in procuring evidence might be diminished, which arose from the long-standing and general belief in Baroda that Government really at heart favoured the makers of Khutput. Since the Governor and Mr. Willoughby thought the case "very clear," and, singularly enough, proposed to expend the impounded money on a bridge, to be called Baba Nafra's (!) Bridge, it would seem that there could not have been much difficulty in an immediate decision. Mr. Blane, who did not deny the bribery, proposed, however, to postpone the matter until after Nafra's trial on the heavier charges; the Government agreed, and thus left the difficulties of the



779. been obtained, that, on July 11th, Colonel

Outram reported to the Government of Bombay, the arrest of Nafra, eight days before; for, after his experience, he seems to have feared, that until this damning case was put beyond the possibility of retraction or spoiling, some unexpected or unaccountable turn at Bombay might take all vigour out of his proceedings.

Another inquiry, however, now forced itself on his attention. On examination of the books of Hurree Bhugtee's house which had been seized, it was found that as many erasures and alterations had been made as the time permitted; this time was afforded by the collusive delays of the Gaekwar's officials, and the treacherous warnings conveyed to Baba Nafra from the

1216. Resident's own office. Yet from the books,

however falsified, it still was left to appear, that from 30 to 40,000*l.* sterling had been disbursed at different times for Khutput in Joitabae's affair; and amongst the items was one of 8000*l.* which had been placed at the disposal of Joteshwur Echaram, who had been dispatched from Baroda to Bombay in July 1847 or 48, as has been stated before, to see to its application. On the first examination of this man, it appeared that more exact information might be obtained from the books of Bulwuntrow, his brother-in-law, residing at Bombay. But Colonel Outram's suggestion to the Government to that effect was met with the objection, that in the town of Bombay, under modified English law, such a seizure would be illegal; and while explanations passed, that an information on oath (which could have

1218. easily been supplied) would have justified

the step in law, the opportunity of securing the books previous to falsification was lost.

It was learned at the time, however, as it was afterwards undiminished. This is one of the cases in which the ultimate resolution of the Government was never made known to Colonel Outram, and which were not reported to the Home Authorities until the period for any use in reporting was long past.

wards more fully established, that Joteshwur  
 1219. had been sent to Bombay, at the suggestion,  
 1231. it was affirmed, of Nursoo, to bribe Mr. Reid;  
 1232. that he had given two sums of 2000 and  
 1227. 10,000 rupees for that purpose to Craig, an  
 Assistant of some standing in the Secretariate; and as  
 Craig soon after left Bombay for Calcutta, in disgrace  
 on other accounts, it was supposed he had kept the  
 money himself. Other persons were also  
 1273. concerned in the affair, but in an inferior  
 way. The subsequent proceedings in this case, to  
 which we shall again have occasion to refer, ran on  
 contemporaneously with those which more directly re-  
 lated to Nafra himself, to which we now return.

Fairly in the toils, Nafra bestirred himself, according  
 to his wont. He endeavoured to turn the  
 781. main odium of the recent attempt at bribery  
 on Soorujram, by getting Motee Heerachund, the go-  
 between, to assert that the proposal came from the native  
 official. He tried to discredit Furkey, whom, no doubt,  
 he believed to be in the midst of so much activity di-  
 rected against himself, but with whom, in fact, the Resi-  
 dent had had no personal communication  
 785. since his return. He continued to use the  
 493-176. name of his mistress Mahaluxmee, in pe-  
 784. titions of which that lady had no sufficient  
 794. knowledge if she had any at all; and, although  
 496. fallen, he still contrived that his judges  
 should be chosen from amongst his confederates and  
 friends.

On the ground that the house of Hurree Bhugtee  
 371-15. possessed the British guarantee, the Resident  
 held a separate inquiry into the charges  
 375-29. against Nafra; and, notwithstanding treachery  
 in his own native establishment, and want  
 of good faith in the Gaekwar's officers, it is to this  
 measure that the eventual success of the investigation  
 is entirely due. Shame, however, as it is to say it, while  
 witnesses, the Gaekwar's subjects, were readily and

372-17. speedily produced to the Resident, those who were British subjects were only forthcoming after much prejudicial delay, and the most important of them was never produced at all. The evasion seems to have been favoured, if not effected, by the native subordinates in the British districts, some of whom were connected with Nursoo and through him with the chief delinquent.

The preliminary inquiry at the Residency commenced about the 5th of July, and ended on the 15th August. Immediately on its close, the proceedings of the native court began, which continued till the 2nd of October, on the 22nd of which month the award was given, and sentence pronounced, subject to the confirmation of both the Governments.

In dealing with the case, the native court took both the depositions in the unfinished proceedings of 1847-8, and those just made before the Resident. Most of the former, it will be remembered, were given before the native authorities, and while Nafra was in the height of his power; some of them even were taken by Nafra himself; Nursoo, too, was yet Native Agent to the Resident. The latter were made before the Resident and after the arrest of Nafra. The discrepancies between the two sets of depositions are enormous; the witnesses accounted for them by reference to the means of intimidation unsparingly employed by Nafra in the days of his power. Moreover, the former depositions were afterwards clearly shown to have been vitiated by the substitution in many parts of fresh sheets; and there is much reason to conclude they were falsely recorded in the first instance.

The story eventually established is this: Nafra, either grasping at greater power, or feeling the pressure on the bank occasioned by his reckless management, wished to open the great treasury of

772. the bank, which was kept locked and under  
 678. guard of armed men, was never opened but  
 608. on special occasions, and had not been opened  
 610. since the death of the husband of the two  
 widows. Joitabae refused her consent, and, moreover,  
 resisted and resented the undue assumption of authority which Nafra had carried to a most offensive pitch. She was in his way; to remove her child was to get  
 500. rid of her power. An emissary of his, one of  
 the three men who afterwards revealed the  
 facts, found in Meetapore, persons—British subjects—who were willing, on terms, to pass for the parents of the child. The persons thus obtained were brought to Baroda, and lodged in Nafra's garden under Arab guards. Nafra got a false deed prepared, which  
 555-3. purported that Joitabae's father had bought  
 508. the child of these people for 200 rupees per annum during their lives. This deed he brought to  
 500-3. these people in his own garden; and, with some chaffering, bargained with them to go through with the personation for 1700 rupees, a sum which, with the secret in their possession, they took care afterwards considerably to augment. Under his instructions they first went to the house of  
 520-25. Joitabae's father, and claimed payment according to the deed, or the return of the  
 521-26. child; and being repulsed, as they expected,  
 522-27. they noised the matter as much as they could,  
 523-28. both in the city and at the bank. Nafra took down their depositions with all due form and gravity, gave them 100 rupees, which they asserted to be due to them, took from them the alleged deed of Joitabae's father, and sent them away. He then confined Joitabae, and took her child away from her father's house, breaking locks for the latter purpose; a degree of violence, on  
 515-19. private authority, beyond even that permitted  
 516-20. by the loose and inefficient law of the Gaekwar's Government.

The plot was afterwards doubled. A dependent was required to join with certain persons brought from

Amleeara, another village, in asserting that the child was theirs ; and, on his refusal, he was put in irons until he consented. Amleeara was chosen because the place and its inhabitants were entirely under Nafra's control; he could command the testimony of its people, and he could there dispose of the child or the child's life at his pleasure, which he could not do with equal safety at Meetapoor, a place under British authority. To meet the change of plan, the story was concocted that the child procured from Meetapoor had died, and had been replaced by Joitabae's father with one from Amleeara. The wretched villagers of the latter place, who in fact held their possessions and lives at Nafra's mercy, and seem to have been amongst the poorest of their class, were brought to Baroda to claim the child. Nafra forged a document in which Joitabae is made to confess that she never had a child, and to beg that that which passed as hers might be given up to the Amleeara people, from whom she understood her father had obtained it. The infant was then despoiled of its ornaments, and delivered the same night to the Amleeara villagers, in Nafra's garden; not without some repugnance on their part, they took it home, under escort of Nafra's Arab mercenaries. Two days after their arrival, the child and its spurious mother were lodged in a separate and secluded house under a strict guard of Arabs who prevented access to them; and here, in three months, the child died, as alleged, of cholera. Joitabae was imprisoned in a dark room secured with iron bars, until she was released at the demand of Col. Outram, after whose departure for Egypt she was again imprisoned by Nafra, her actual confinement within walls being perhaps at times changed for a rigorous guard in the house, until her repeated and indignant remonstrances to Captain French

extorted first relaxation, and then release, after two years' incarceration.

For this account of the matter the evidence on almost every point was direct, probable, and complete. The only defects, and these were amply supplied, were those occasioned by the death of the midwife, by the absence of the man, (a British subject,) who had personated the child's father in the first instance, and by the abstrac-

375-30. tion of those particular books of the bank in which the payments on this account were entered, and which were taken away by Nafra in the night previous to his arrest, in consequence of a warning treacherously given him from the Resident's office.

Of course Nafra had a story to account for facts which could not be denied. But, of the

536. witnesses who in 1847-8 had sworn falsely in  
618. his favour, for very dread of him, very few,  
629. now that the spell of his power was, for a  
634. time, broken, failed to withstand the threats

and cajolery of Nafra and of his friends in the Gaekwar's service, by which it was sought to make them

379-55, &c. retract the evidently truthful statements they had made before the Resident. These few

consisted of a pensioner of Nafra's, and of the miserable villagers of Amleeara; the latter dreading

379, 52. his vengeance, however distant the period at  
506-8. which he might resume his power, said and

unsaid at the Residency and the Gaekwar's court, just as their fears at the moment dictated. Their true tale, however, was easily recognized by the consistency and corroborations which the other lacked. The Gaekwar's

minister and Nafra's other judges, associates though

378-43, &c. some of them had been in many of his misdoings, and disposed to screen him, as they

had all unsparingly showed themselves, could not resist the evidence against him: yet even in convicting and punishing they continued to favour him.

537. The charges were framed by the Gaekwar's court into these three specific questions:—

1. Had Joitabae borne a child ?

2. Was a strange child of an inferior caste procured, and passed off for a genuine son of Joitabae, and a false deed produced by Nafra, in testimony of the substitution ?

3. Was the child which Nafra delivered to the Amleeara people their own ?

On the first of these points the court professed to doubt ; but they fined Nafra 500 rupees for negligence, as the confidential manager of the house, in not ascertaining the fact at the time.

On the second, they say that Joitabae did not procure a child, but that Nafra did ; and that he  
 543.      cure a child, but that Nafra did ; and that he  
 548.      forged a deed by which it was alleged to be  
 550.      purchased. For this, as Nafra was a Brahmin, and therefore could not be put to death, and as banishment would be inappropriate, they sentenced the criminal to a fine of 10,000 rupees, and imprisonment, in irons, for seven years.

On the third question they concluded that Nafra had given the child to the Amleeara people, without ascertaining whether it was really their own ; and for this they fined him 5,000 rupees.

The whole punishment amounted to a fine of 15,500 rupees (about 1300*l*.) and seven years' imprisonment in  
 550.      irons. The date of the sentence is 22nd  
           October, 1850.

It will be observed, that this verdict leaves one main question unsettled, viz. whether Joitabae had ever borne a child. The court professed to doubt whether there was disinterested evidence enough to establish the fact, although there was as much as is usual in such cases ; and yet they not only convicted Nafra on the other points in terms which cannot be sustained  
 551.      on any other supposition, but they passed sen-  
 552.      tences on the other parties concerned, for offences which equally required the genuineness of Joitabae's child to justify the expressions by  
 320-9.   which they are described. This formal defect in the verdict was evidently designed to permit

Nafra to escape the heavier punishment of imprisonment for life, for abstraction of a high-caste child. Since, too, the verdict entirely avoided the real character of the child given to the Amleeara people, it avoided also the necessity for inquiring into the facts of the child's death, which must otherwise have come under review, and might have resulted in a still more penal sentence. But it had also another effect, which seemed to Colonel Outram too serious to be neglected, considering the position at that time of the general question of Khutput; the doubt left a chance of the mitigation of the sentence, and that mitigation might come, as so many had unaccountably come, from Bombay; for the final confirmation of the sentence rested, through the guarantee, with the British Government. Discoveries arising from the examination of the books of the Hurree Bhugtee Bank, showed that heavy work was yet to be undertaken, and any apparent favour to Nafra, at Bombay, would have weakened the Resident's hands for the task. At once, therefore, to establish the fair fame of Joitabae, whom he believed to be deeply wronged, and to prevent the possible errors of his own superiors, he pursued the investigation still further, and by means of a Committee of British medical officers, which sat in January, February, and March following, he obtained a conclusive professional opinion that Joitabae had at some time given birth to a child, after the usual period of gestation, and an expression, by the same committee, of a strong conviction, founded on consistent and varied circumstantial evidence, that that child was born at the time she had herself alleged.

690, &c. Here we leave the case for the present, with Nafra in prison and Joitabae restored to her caste, to the public favour of the prince, and to a portion of the comforts she had a right to expect as one of the proprietresses of a long-established bank, reputed to be of enormous wealth. She was, however, still left bur-



862-H. dened with debts, incurred in the penniless state in which she had been compelled to bear her persecutions and withstand her spoilers.

Several matters, which at any other time would have seemed of more than ordinary importance, were on foot during the three or four months which Nafra's trial occupied. The discovery of Joteshwar's

1216. mission to Bombay for purposes of bribery, and the check which the consequent investigation met with in the legal difficulty of seizing Bulwuntrow's books in Bombay, have already been adverted

1218. to. Without waiting for this obstruction and answer from the Government, Colonel Outram had already obtained further confessions from

1221. Joteshwar, when anonymous communications  
1222. were received, both in Bombay and Baroda, pointing out more distinctly than Joteshwar had done, the persons implicated in his proceedings. The Gaekwar's Government seized his papers at Colonel Outram's

request; on which he became much agitated, 1226. and declared that they contained nothing relating to the present matters, but only documents connected with the former servants of the Residency, Sarabhoy and Brijlal, to whom he had been Gooroo, or spiritual adviser; whereupon they were sealed up, and he was promised, that if he told the truth on the present occasion, they would be returned to him intact, the slight examination already made of them having satisfied Colonel Outram that his account of them was nearly correct. It was, however, from other quarters

that Colonel Outram obtained evidence of 1230. some facts which Joteshwar had denied, and in particular of the transmission of 2500 rupees to Bombay, to be at the disposal of Joteshwar himself, but a few days before Nafra's arrest. It is however

1233. remarkable, that on Colonel Outram reporting that Joteshwar had evidently not told the whole truth, and asking what he should do with these papers, he was directed by Government to return them

1236. unopened, "unless they referred to charges

now under investigation, or establish fraud and corruption against any person now in the service of Government." The emphatic "now" of these instructions was intended to ensure the return of the papers unopened to Joteshwar. Surely Sarabhoy and Brijlal had the faculty of securing the lasting attachment of their friends: or if not, then the only possible conclusion is, that the official body of this part of India was in such a condition that its responsible chiefs did not dare to permit a distinguished and experienced officer of theirs to probe it.

Finding that little aid was to be had from Government, and that the confessions of Joteshwar were not

likely to be sufficiently complete, Col. Outram  
1230. obtained assistance in Bombay of Captain Barr, Paymaster-General, whom he furnished with a letter from Hurree Bhugtee's Bank (just delivered from Nafra's dominance), directing their Agent in Bombay

to show their books to him. In those books  
1233. were found entries strongly confirmatory of Joteshwar's confessions as far as he had gone. But all that could eventually be learned was, that Joteshwar had given large sums to Craig; that Cole, a European subordinate in one office, and Ragoba, a native employed in another, were implicated; that Mr. Smith, the brother-in-law of Craig, was suspected; and that the money paid by Joteshwar to Craig could not be traced, from the numbers of the notes in which it was paid not having been preserved. Captain Barr, who assisted Colonel Outram in his Bombay in-

quiries as his private friend, gave up the  
1238, &c. attempt on finding that all the papers passed through the hands of Craig's brother-in-law, Smith; and the Government gave him little thanks for his

extra official pains, and much blame for  
1259. his withdrawing from this disgusting voluntary service when it seemed so very unlikely to produce any effect. Furthermore, the Government appointed their Secretaries a Committee on this subject, in the

beginning of 1852, after further very startling  
1259 to 1276. revelations, and some weeks after the dis-

missal of Colonel Outram, which succeeded no better than its predecessors in the investigation.

The private books of Nafra, in Baroda, were seized, as well as those of the bank he managed. It was

163-25. necessary to effect this seizure through the Gaekwar's Government. More delay taking

place than was thought necessary, Colonel Outram sent to learn the cause, and the Gaekwar instantly dispatched one of his own officers, along with the one deputed by Colonel Outram, to Nafra's house. There the Gaekwar's chief of police, Sumbhooram, whose duty it was

1070. to make the seizure, was found sitting quietly  
375. with Nafra, in a room full of the papers of

the latter, who was actually engaged at the time in destroying, erasing, altering, and otherwise preparing them for examination. They were, however, then summarily seized, sealed up, and sent to the Residency, and a committee of native officers, of both Governments, of bankers and bankers' servants, was appointed to examine them, over which Colonel Outram himself presided.

In the course of this examination, surreptitious

983-E. copies of papers in the Residency records were found, and several matters of importance,

evidently intended for concealment, were brought to light. Amongst the latter was a memorandum

37-14. which, as soon as discovered, was so interpreted by the native committee, from corre-

141-1. sponding circumstances of perfect notoriety,

228-3. to fix a stigma on the character of Mr. W. C.

Andrews, who filled, at that time, a high judicial office at Surat, and who, just before the professed date of the transactions noted in the paper, had vacated the temporary appointment of Acting Resident at Baroda. Reading, as the natives read, through the disguise of erasures and fictitious entries, this memorandum, ascertained to have been written at Nafra's dictation by his nephew, seemed to import that considerable sums had been paid by Nafra to natives who were supposed to have influence with Mr. Andrews. The object was

variously guessed to be either the obtaining some favour from him while at Baroda, or the influencing his decision in a case before him at Surat. On the former supposition the date must be supposed to be purposely disguised. It may be added that any probable date falls near to that of the first pressure of Joitabace's case on Nafra's anxiety, that is, just after the abduction of the child. Finding that the matter, at its first emergence to light, was already beyond his own keeping, Colonel Outram sent it at once to Mr. Andrews, in order that he might protect himself against such an use of his name. That gentleman, however, unhappily betook himself rather to defending his native friends, and to blaming the manner in which Colonel Outram had dealt with the case, than to contemptuously disregarding or clearly disproving the imputation. He endeavoured, however, to invalidate the interpretation the examining Committee gave to Nafra's memorandum, and he sent his chief native officer to Baroda to obtain exculpatory information. The latter was a measure which, at the least, was very irregular, and of which, in

232-9. the opinion of Government given at a later date, Colonel Outram ought to have prevented the execution: the conduct of the native official

232-12. dispatched on this business, appears, moreover, to have been such as to deprive himself of promotion, and to have required an apology from our Government to the Gaekwar. The correspondence between Colonel Outram and Mr. Andrews, friendly in its beginning, became official in its form, and acrimonious in its spirit. Soon after its conclusion Mr.

227. Andrews died, and Government was thereby relieved of the necessity of judging of more than the conduct of the two parties to the difference.

230. After an attempt of Mr. Bell, one of the Members of Council, to cast severe blame on Colonel Outram (an attempt in exact accordance with the animus of most of his proceedings), the late Mr. Andrews was seriously censured, and Colonel Outram blamed for not examining this allegation (which had

already got beyond his own power of restraining its circulation) before he sent it to Mr. Andrews. He got credit, however, for "having been actuated by perfect purity of motive, and an earnest zeal, however misdirected it may, in some respects, have been, for the vindication of the honour of the Government and its servants." It was something for Colonel Outram to obtain even so much as this on the very day preceding his removal from Baroda; and its value was afterwards enhanced by the Court of Directors going so much further in approving his conduct in this case as to adopt all the credit given to him by the Bombay Government without joining in their censure.

The true facts in this case would probably be of little importance if they were known; but the correspondence which arose out of them renders it strikingly evident that the natives universally believe in the efficacy of Khutput; the whole depends on that supposition.

In the struggles of Nafra, it was not likely that Furkey should escape a blow. It is true the Resident held no intercourse with him, nor had he employed him: but that was more than Nafra knew, or was likely to believe,—especially as Colonel Outram had, soon

after his return, been at much trouble to establish the rights of Furkey as a British subject, which had been denied by Captain

French. To discredit Furkey seemed to Nafra to be the disarming of one of his chief antagonists; accordingly, as soon as possible after his arrest, petitions were addressed to Government against Furkey in the name of Mahaluxmec, which that lady afterwards disavowed, and attributed to Nafra

himself.

Furkey had repeatedly petitioned the British Government for their interference with the Gaekwar, in his behalf, and had been as often answered with their refusal. He attributed his present exclusion from employment, the

wrongs he had sustained from the Gaekwar's Government, and the animosity against him of the officers of the native Government, to the aid he had formerly given to the Resident in opposition to the favoured cause of Khutput. He was discredited to this extent in the estimation of the Government, when, about six weeks after Nafra's arrest, a charge of bribery was made against him by a chieftainess of the district

248-4.

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933-5.

250-11.

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247-3.

Furkey had been the victim of a foul conspiracy, in the treatment he had received at the hands of his, the Gaekwar's, Government.

930-17.

934-1.

Major Fulljames, on whom the investigation devolved after the death of Major Brown, before whom the accusation had been originally preferred, reported not only that there was no credible evidence in support of the accusation, but that Furkey's

260.

accusers had attempted to sustain it by means of "perjury" and of "recent and gross fabrications;" and, moreover, "it appeared that a deep-laid plot had been entered into, to effect his ruin, by the present complainant, urged on either in the hope of extorting money from him, or by the ill advice of some of his numerous enemies in this place." He adds that he believes, from the rough notes left by him, his predecessor would have come to the same conclusion. This report

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314.

is dated 13th November, 1851. Government found themselves compelled to adopt and act on it in December and January following, immediately after their recall of Colonel Outram from Baroda, and to add to it protection for Furkey during

his stay in the Gaekwar's territories. We shall yet see

923, &c. Furkey's troubles are not at an end: fitting fate at British hands for an opponent of Khutput, as far as conformity to usage goes, however the usage is to be accounted for.

It is not necessary to narrate at any length the case of four native clerks in the Residency of 1085. Baroda, deemed unfaithful by Col. Outram, and suspended by him from pay and office in April. 1851, immediately after he made the grave charges against Nursoo, on which we are about to enter. Government allowed their suspension, and in

1089. February of the following year, after Nursoo 1092. was convicted, and Colonel Outram had been removed, these inferior servants, strongly suspected of being agents of corruption in a sphere where obscurity of rank scarcely diminishes the power of mischief, were dismissed indeed from the service of Government, in the Residency at Baroda, but in a manner which left them at liberty to obtain employment in any other Government office. Strange contrast to Furkey's fate, who, *without charge or hearing*, was absolutely and repeatedly forbidden Government employment in any capacity whatever!

It will be remembered, that very shortly before Colonel Outram left Baroda for Egypt, on sick-leave, he found it necessary to resort to the aid of Furkey, to investigate some cases in which he had reason to suspect vehemently the fidelity of his Native Agent Nursoo,—that in his Report of 7th September, 1848, he noticed strongly the conduct of Nursoo,—and that in his absence, the Government of Bombay sent a letter, dated 12th January, 1849, to be recorded in the office of the Resident at Baroda, in which Nursoo was defended and Colonel Outram censured. It will also be recollected, that Colonel Outram, who must have found this letter in the office on his return, undertook,

960. 7th December, 1850, to reply to it. It is true, that a year and three quarters had elapsed since the date of the letter of Government, and

that some months before this time, Nursoo had been removed from Baroda to an equally desirable office elsewhere. Under ordinary circumstances, these considerations might have induced most men to let the letter of Government drop, however incorrect the conclusions or unjust the censure it conveyed. But it must be remembered, that Nafra's papers and those of the Hurree Bhugtee Bank had been seized; that the examination of them had produced important revelations; that the *prestige* of Khutput was for a moment stricken in Baroda; that there was not only the duty of very grave investigations before him, but a better chance than had yet appeared of succeeding in that duty; that the chief risk of failure seemed to lie in the tenacious faith in Nursoo and his associates, which still possessed the Government of Bombay; and that accordingly it would prove one of the most effectual strokes in his power, if he could disabuse the Government of its unfounded confidence, and by that means dispose it to a co-operation, without which a battle with corruption must at best be a doubtful enterprize. Nor was he without a just desire that the archives which held the censure of Government on himself, should contain also his justification, however that document might fail of its immediate effect\*.

\* The subject of one of these disputes affords an example, on a small scale, of the *régime* which prevails over much of India under native Governments. The contrast of the case with the condition and practice of Government in England will supply an approximate mode of estimating the principles from and towards which India is changing under British rule.

A person, here called the Gorajee Pol, held the public revenues of certain villages, and the Government rights over them, on condition of his maintaining twenty-one armed horsemen: he appears, besides, to have had certain direct allowances from the Government. Having got into debt, he pledged his rights in these villages to a banker, on condition that the banker should manage them, and should pay himself a stipulated income out of them. Previous to this pledge, the revenues were leased to the patells, or hereditary head-men of the villages, and the lease was transferred from the Pol to the banker. The patells thus became possessed of the right of exacting all they could from their neighbours, subject, however,



Government, as we have said, defended Nursoo (12th  
 966. January, 1849,) partly on the ground that he  
 968. informed his superior as far as he was ques-  
 tioned by him. But in an office where the chief is  
 often removed, and a confidential subordinate is long  
 stationary, it is obvious that the knowledge of facts  
 must rest with the permanent subordinate, however  
 the chief may be responsible for the use to be made of  
 those facts; and if it be permitted, on authority, for a  
 subordinate so placed, to limit the information he  
 affords to that which may be actually required of him,  
 he has it in his power, by the simplest process of conceal-  
 ment, transposition, or delay, to bring his chief to  
 almost any conclusion he may wish for. The subject  
 is far too extensive for discussion here, but it may be  
 remarked, that the tendency of offices so constituted is  
 necessarily, to a Government really of clerks, screened  
 towards the public by great names:—perhaps an able,

to the overpowering strain which could at any time be put on them  
 by the banker, who held the villages in mortgage. To all this, the  
 British Government, in accordance with the singular arrangements of  
 Guzerat, was guarantee; but by the terms of the arrangement our  
 authority could not be interposed, so long as the conditions of it  
 were fulfilled by the respective parties. But the object of the  
 banker was to ruin the Pol, to incapacitate him from maintaining the  
 stipulated body of horse, and so, on his failure to fulfil the terms of  
 his tenure, to give the Gaekwar's Government a right to resume  
 them.

To effect this object, fictitious statements and suppressions of  
 facts were resorted to, so as to make it appear that the Pol was in  
 debt much more than he could have been if the terms had been  
 observed. Moreover, the lease to the patells was attempted to be  
 set aside practically, by merely avoiding mention of it, and so  
 inducing the consent of the Resident to a new bargain on lower and  
 less binding terms.

One of the two charges against Nursoo, referred to in the text,  
 was his complicity in these misrepresentations, by means of the con-  
 cealment of papers with which he must have been perfectly familiar.  
 The other, much more serious in its amount, was his connivance at  
 the fraudulent substitution by Nafra of an old superseded bond for  
 a newer obligation of much smaller amount, and the attempt to

1011-3. exact far too much interest; and on this latter charge  
 Nursoo was subsequently convicted by Mr. Frere; on  
 the former he escaped with "animadversion." On both the Govern-  
 ment had zealously defended him

but really an irresponsible Government, and, in some important senses, a sham. If this tendency is to be checked, it can only be by requiring the permanent subordinate to give the temporary superior the fullest information on every subject, and not by limiting his duty to the production of the particulars which may happen to be required of him.

The reply of Colonel Outram to the letter of Government, (7th September, 1850,) goes into 962, &c. the whole case, paragraph by paragraph, and fact by fact; and it was accompanied by a statement of 1417-83. the facts connected with Joteshwar's corrupt mission, which had been ascertained, in Bombay, by Captain Barr, and by a Report on the 950-17. anonymous petition respecting Nursoo, which had been presented nearly two years before. The facts communicated by Captain Barr, already given, we need not here repeat. The Report on the petition stated that the author of it had 1408. 950, &c. avowed himself, and had produced witnesses, 1012-8. who asserted that they were present when Nursoo (Colonel Outram then on sick-leave and Nafra in his glory) boasted of the favour of Mr. Reid, of his contempt for any hostility of Colonel Outram, of his determination to spend as much money at Bombay as was necessary for his own designs, and of the power by which he himself had protected Nafra and ruined Joitabae.

These communications, together with the conviction of Nafra, which took place while they were under review, seem to have made some impression on the Government; for the Governor's minute, dated 15th 987. November, 1850, is not so much a defence of the previous decision, as a discussion of the relative duties of Resident and Native Agent, (in which duties as to opinions are strongly confounded with duties as to records and facts,) and a showing that Government had acted according to the information it possessed; that of Mr. Blane goes somewhat further in Colonel Outram's favour, and Mr. Willoughby (who in

those questions is commonly to be found on the side of moderation and right feeling) thought the Resident deserved, in so irksome and painful a duty, all the support the Government could give him, consistently with perfect justice to the accused. The coldness, however, with which the accusations against Nursoo of using

958. Mr. Reid's name improperly were received,

was well expressed in the dispatch of 5th November, which directs that no further steps be taken in the matter. Nafra himself, convicted and imprisoned, might well cherish hope from such an order, as seen from his point of view; and so much the more, as

1236. it was dated on *the same day* (5th November,

1850) as the order to return Joteshwar's papers unopened, which were known to contain revelations deeply affecting his old confederates, Sarabhoy and Brijlal. New and greater debates, however, were soon to be set on foot.

1070. Among the private papers, which the fa-  
1068. vour of Nafra's friends in office had not

given him quite time enough to destroy, was a memorandum of a sum of 20,000 rupees, paid in 1845, to Nursoo. The books of Hurree Bhugtee's Bank were found to confirm, though with some disguise, this more secret memorandum, and personal evidence showed

1074, &c. that the money was actually paid. The ob-  
ject appears to have been, to gain the aid of

Nursoo, in an important case, which does not fall within the limits of the present review.

315, &c. In March, 1851, Colonel Outram sent in

his Report on Joitabae's case, and with it the evidence at length. He there clearly and strongly traces Nafra's enormities, as far as opportunity and long impunity contributed to them, to the corrupt collusion of Nursoo, and the mistaken views of Captain French. The Government were evidently

399. shocked by the discoveries thus made to  
422. them, and sought partly to invalidate the

evidence, partly to screen themselves, under the plea that they had acted according to the information given

to them from time to time, and partly to lay the blame on Captain French and Colonel Outram. We shall have to return to these papers.

It has been stated that the bank of Hurree Bhugtee possessed a treasure-house, locked and guarded, which had not been opened since the death of the late chief proprietor. Besides this principal, "jamdar khana," there was a smaller one for the current convenience of the business. In February, 1851, (Nafra

802, &c. having been convicted in the previous October,) it was proposed to submit this smaller treasury to an official examination, partly with a view to ascertain whether, as was generally reported, the embezzlements of Nafra had materially diminished its contents. Singular as it may seem, from an English point of view, both the Gaekwar's and the British Governments were made necessary parties to this examination into the affairs of a private firm, by the British guarantee, which the firm held; they had even to be consulted as to the measures for the future management of the concern.

The keys of this treasury had been kept by Nafra. This unfaithful steward, soon after his conviction, refused to give them up, and they remained with him until the examination, which was made on the 7th April, 1851, by a committee, of which some of the members were relatives and old associates of Nursoo and himself. In the midst of the contents of a large chest, a silver vessel was found, in which, with other small parcels which had been carefully wrapped up, and had evidently long been undisturbed, was one which contained a memorandum in Nafra's own writing and two notes in that of Nursoo. They referred to a bribe of 28,070 rupees "agreeably to agreement," and "on account of the dispute about the boy." The memorandum is dated October, 1848, and contains a reference to a total sum of 78,070 rupees; it states, also, that the sums of 5,000 and 23,070 rupees had been paid to Nursoo on the 19th and 20th of that month. The notes of Nursoo are complaints that the

803.  
1066-1.  
832-5.  
835-1.  
1080-B.

1071.

money had not yet been paid him. The date is immediately before the arrival of Captain French at Baroda,—just after Nafra had surreptitiously obtained the signature of the Assistant Resident in charge, to an unauthorized declaration that the British Government would interfere no more in behalf of Joitabae, —very soon after Government, attributing Nursoo's intention to retire on his pension to Colonel Outram's treatment of him, asked him to forego it,—within a short time of his boast of the friendship of Mr. Reid, and of his own power of Khutput in Bombay,—just when the first court on Joitabae's case was perplexed and defeated by the firmness of herself and her mother,—and of course, just when Nafra found that help would be needed to neutralize the British justice on which his widowed victim relied.

This discovery was made just when Colonel Outram had already prepared "A Statement of Facts relating to Nursoo Punt, late Native Agent of the Baroda Residency, and now Dufturdar at Ahmedabad," and it forms the subject of a postscript to that report, the date of which is 10th April, 1851, ten days after that of his voluminous report of Joitabae's history and Nafra's conviction.

Ten days still later, Colonel Outram went to Bombay, and finding that his report on Joitabae's case, and his "Statement of Facts" respecting Nursoo had made an impression on the authorities, such as he had long desired to see, and such, indeed, as he now hoped would be sufficient for future progress, he consented to modify the last-mentioned document, so that it might be recorded in a form less distasteful to his official superiors, without detriment to its intended purpose.

Colonel Outram was called on immediately to frame his accusations into distinct charges on which Nursoo could be tried. He objected that some of the misdeeds of Nursoo were not legal delinquencies, but matters of con-

fidence, and of fitness for his post; and on these, he called for the judgment of the Government in its administrative capacity. He specified, however, two cases of *legal* guilt, (bribery,) in which he believed he could produce evidence sufficient for judicial conviction, if Government first removed the erroneous impressions which prevented the production of evidence, by first disposing of the other accusations. He said, "I consider such measures absolutely necessary to aid me in neutralizing the corruption and intrigue which will be set on foot immediately the intention of Government to appoint a Commission is known." This measure, however, was refused. Government immediately framed all the cases into legal charges, and selected Mr. W. E. Frere, then judge at Surat, to try them. They appointed Colonel Outram prosecutor, a measure which, as the law was then understood, precluded him from giving his testimony in two cases where it was essential. Nursoo thus had the whole apparatus of legal form and chicanery provided for his escape from all accusations, legal and non-legal alike; and these he was left at liberty to use (apparently to the natives, with the favour of Government) in that hot-bed of proved corruption, Baroda.

The chief difficulty, however, in this as in so many former cases, still remaining, viz. that of obtaining willing and truthful witnesses, while the people believed that the Government secretly favoured Khutput, Colonel Outram asked for a decision of Government on other cases of the like character, then pending, in which Nursoo was *not* concerned, so as to disabuse public opinion at Baroda, previous to the investigations, and increase the chances of justice. He says it is his duty, "as their representative at Baroda, to place before them the consequences which will inevitably result from any further delay in disposing of those questions." Government, however, said the papers were too voluminous for them to arrive at a speedy conclusion (although one was the "clear" and curious "Baba Nafra's Bridge"

case, which they had before them ten months); and so the trial had to proceed under the old disadvantage. Colonel Outram recorded a protest against the whole policy of the trial, and the circumstances which endangered justice; a protest, however, which the results of the trial, although imperfect, were sufficient to render in some degree useless.

Nursoo was suspended from his office at Ahmedabad, and sent to Baroda, where, however, he arrived and remained with some sort of show, and by no means as a person on trial. The proceedings were authorized and regulated by an Act of the Legislature of India, which had just been passed, (XXXVII. of 1850,) that is, some years after the necessity for it had been so clearly illustrated by the cases of Sarabhoy, Brijlal, and Dowlutram.

The charges on which Nursoo was to be tried were as follows:—

992. 1. That he took a bribe of 20,000 rupees from Nafra in May, 1845.

2. That he took another bribe of 28,078 rupees from Nafra in 1848.

3 & 4. That he withheld information in connection with the cases of the Gorajee Pol and Govind Row Gaekwar.

5. That he furnished false information to his superiors in Joitabae's case.

6. That he instigated Nafra to send a person to Bombay for corrupt purposes.

7. That he made an improper and unauthorized use of Mr. Reid's name, and promoted a belief in Baroda that he had his corrupt favour.

The charges had been drawn by Colonel Outram, rather with a view to substantial accuracy than to legal form: some of the misdoings alleged were capable, from their nature, of little more than inferential proof; the Act which regulated the proceedings had not before been acted upon in Bombay, so that its machinery was untried, and its interpretation,

in some respects, uncertain ; and it was thought, erroneously, as afterwards appeared, that Colonel Outram, as prosecutor, was precluded from giving evidence. These difficulties considerably enhanced others which were inseparable from an investigation, limited by legal forms, and demanding conformity to a legal standard, into matters in which conviction was mainly dependent on the accumulative moral effect of many concurrent circumstances. Neither the Gaekwar's officers nor Nursoo's  
 1004, &c. other friends failed to render such aid as they  
 1430-22. could to the accused by intimidation and actual injury of witnesses, and by refusal to give evidence themselves—encouraged in part, it seems, by a notion that had been some time afloat amongst them, that “a commission” would be sent from Bombay to defeat Colonel Outram's efforts.

The proceedings, which commenced 11th of June, were terminated on the 22nd of October, by  
 1441. a Report of the Commissioner, in which it  
 1012. was declared—

1. & 2. That Nursoo had not been legally proved guilty of taking either of the bribes, but that great suspicion attached to him.

3. That he was guilty of “betraying his trust, by allowing a false claim against Govind Row Gaekwar to be prosecuted before the Resident, knowing it to be so, and withholding from the Resident, documents which would have proved the charge unjust.”

4. That on the Gorajee Pol case, he was acquitted.

5. That, in Joitabae's case, he had not been proved guilty of misleading Captain French (who had taken all the blame on himself), but would have been convicted, if the charge had included his attempting to mislead Colonel Outram.

6. That he knew of Nafra's mission of a person to Bombay, with a corrupt design, and connived at it ; but it was not proved that he instigated it.

7. That he did make an improper use of Mr. Reid's name.



Previous to the date of this finding, Nursoo  
 1035. addressed to Government a petition and state-  
 1036. ment in which he endeavours to weaken the  
 force of the evidence against him. He alleges that he  
 1038-2. was powerless, friendless, and dejected, while  
 the prosecutor was high in office; that Colonel  
 Outram was misled by his great enemy Furkey; that  
 1037-10. much art had been employed in concocting  
 charges against him; that much of the evi-  
 1039-9. dence was untrustworthy; and that the new  
 Act under which he had been tried bore un-  
 fairly in some respects on the accused person. It is  
 1037-12. remarkable that, in dealing with the two  
 1016. charges of bribery, he alleges chiefly that he  
 had not fair and sufficient means of testing the evidence,  
 and in respect of one of them that Nafra must have  
 embezzled the money himself. When he includes in  
 1038-3. the persons intimidated into silence against  
 1012-10. him, the very officer, Sumbhooram, who so  
 quietly sat by while Nafra was doctoring the papers he  
 was sent to seize, it is impossible not to place on all  
 his representations a value as low as Mr. Frere evidently  
 did in forming his final judgment.

The difficulties of the investigation were really in  
 favour of the accused. The general opinion at Baroda  
 was, that Nursoo, not Colonel Outram, was favoured  
 by our Government, and that the Native  
 1442-12. Agent, not the Resident, would remain in  
 power; and the removal of Colonel Outram in a month  
 after the termination of the trial, shows that the na-  
 tives had tolerably correct intelligence. It seemed to  
 them safest, therefore, to assist the accused, and the  
 Commissioner testifies to the extreme improbability of  
 Nursoo having had any difficulty in working out the  
 plan of defence he had chosen to adopt. Moreover, it  
 was the impression of Mr. Frere, that under this new  
 Act the prosecutor could not give evidence; a con-  
 struction of it which has since been said, on the best  
 authority, not to have been intended by its framers, but  
 which at the time prevented Colonel Outram, both from

constructing these charges as he might have done, and from giving his most important testimony on them as they were. We need not adduce further difficulties to show that Colonel Outram had, from the first, little chance of technical success against Nursoo, however he might have the substantial truth in his possession; nor was it likely to do much service either to the cause of justice at the time, or to the sound and efficient working in future of the administrative body of Western India, to pitch the responsible head of an executive office against a suspected subordinate, in the subtleties and chances of a merely legal strife, on questions of confidence and co-operation utterly beyond the coarse and rigid processes of judicial inquiry.

It is most worthy of remark, however, that on both sides the assertion is distinctly and emphatically made: that natives of India, in general, will speak according to their hopes or fears from men in power. When a

1038-13. native of respectable station and long experience, on his trial, makes this statement as one of the chief supports of his defence, and makes it more especially in reference to the subjects of native States, it is impossible not to give a degree of weight to it which we should willingly withhold from the opinions, possibly prejudiced, of a foreigner. Here, however, is a fact which suggests the very gravest considerations, as to its causes, its operation, and its remedy, to all who are concerned for the elevation of India.

1018. The Governor's minute, in review of Mr. Frere's judgment, is dated the 6th December, 1851, that is, ten days after the removal of Colonel Outram from his office. The final decision of the Government is dated the 20th of the same month, the other

members of council having in the meantime recorded their opinion. The Governor and Mr. 1023.  
1024. Blane, although they diminished the extent of the legal conviction, left so much of it established, and admitted so much "of the gravest suspicions" to attach to the accused in regard of the rest, that they thought it necessary to dismiss Nursoo from the public service,

without a claim for pension. Mr. Bell deemed the result "a great failure" on the part of Colonel Outram,

1025. and would have pronounced Nursoo legally innocent of all the charges together, reserving only some "grave suspicions," against which might be set thirty years of previous good service. He wished to "remove" not "dismiss" Nursoo, a course which would have saved his pension. All agree in Nursoo retaining the village, whose revenues had been given him some time before, for three lives, as a reward for good service as a revenue officer. The formal decision of the Government is much in accordance with the Governor's minute; but how far the reduction by the Government of the extent of Mr. Frere's conviction is justified by the evidence, we have no means of judging, except generally from Colonel Outram's strong com-

1029-12. plaints of their constant leaning to Nursoo, and from their unsuccessful attempt to prevail on Mr. Frere to modify his finding. *For, the Commissioner's full Report is suppressed.* We have things of slight importance given in the minutest detail, and many papers are inserted two or three times over. That this important document, of all others, should not appear on the requisition of Parliament, can give occasion to but one surmise, viz. that Mr. Frere, although he entered on the inquiry with feelings in favour of Nursoo, honestly recorded evidence and his own deductions from it, such as, in the interests of his superiors, would not bear the light. If this is an incorrect inference, the proper authorities can easily show it to be so, by producing the Report.

The Court of Directors, on review of the case, went much further than the Bombay Government  
18. in condemning Nursoo, noticed the fact that the culprit had been convicted on a charge which Colonel Outram had made against him long before, but which the Government of Bombay had then set aside, and directed that Government to review their decision as to leaving Nursoo in possession of his enam village.

We now enter on a matter which, although of a different form, agrees with all that has gone before in illustrating the corruptions of Baroda, and the discords of Bombay. It appears that a clerk named Umrutrow Bulwunt, who had long been in the personal employment of the Gaekwar's minister, Bhow Tam-

927. beykur\*, seems to have brought to Furkey,  
 934. in April, 1851, a letter, in which the minister  
 935. traitorously promises to the Gaekwar's brother,  
 933. Appa Sahib, his assistance in supplanting the

reigning prince. The man professed to have been entrusted by the minister himself to deliver the letter to Appa Sahib, and instead, to have secreted under pretence of having lost it. The date he assigns to it agrees with that of strong suspicions of some such intrigue. Being dismissed by the minister, and professing great horror at his enormities, he sought Furkey, who seems to have been at first distrustful of him, and at length to have consented to take the treasonable letter from him, with the precaution of exacting from him an oath to its truth, and a copy of it, written at the time by the man himself. Perplexed by the possession of a

930-17. document, which after all might be but a trap laid for him, and desirous, if he could, of using it for his own protection against his inveterate enemy the minister, who had instigated the late false charge of bribery against him, Furkey sent the note to his friend Mr. Gregor Grant, one of the highest judicial functionaries in Bombay, in the native depart-

\* Bhow Tambeykur, just at this time, feared temporarily the success of a domestic party against his own power. The Gaekwar, a young and inexperienced prince, disliked him, but felt

934-6. compelled to submit to him from a belief of his vast  
 1168-13. influence at Bombay, partly exercised through Nursoo, who was not yet put on his trial. This belief was confirmed by the disfavour of Colonel Outram with the Government, known through secret channels. The prince believed that the minister could raise his brothers against him without much opposition from Bombay; the minister provided for the continuance of his own power by being prepared, if things came to the worst, to bring another brother to the throne.

ment of the law, with a request for advice as to the use  
 925-6. he should make of it. It was not long before  
 Govind Row Roria, an agent of the Gaekwar  
 in Bombay, asked Mr. Grant for a sight of the note, on  
 which it was shown him. He declared it the genuine  
 handwriting of the minister. Shortly after, Mr. Grant  
 923. sent it to Colonel Outram at Baroda, who  
 however remained for some time ignorant of  
 its origin. Two months afterwards, the Gaekwar him-  
 self asked privately and confidentially to see it: and  
 also requested assistance in tracing its author. The  
 Resident reported the circumstance to Government,  
 924. whose anxiety, and even wrath, was there-  
 upon turned, not on the traitor or the forger,  
 but on Mr. Gregor Grant, for presuming to meddle  
 with an affair out of his line. The Governor insisted,  
 with some dissent of his colleagues, on Mr. Grant  
 giving up the name of the person from whom he  
 received it, although he had declared that his doing  
 so would place that person in danger; however, this  
 930. peremptory requisition forced from him  
 the name of Furkey, and along with it his  
 emphatic testimony, the result of long acquaintance,  
 to his high character and the great value of his public  
 services to the British Government. The Governor  
 would have removed Mr. Gregor Grant from his post  
 931. of Judicial Commissioner in Guzerat; but  
 his colleagues thought it sufficient to censure  
 him, and to forbid him to visit Baroda on his circuits.  
 His real offence seems to have been his friendship for  
 Furkey.

It is to be noted, that on the very day after the  
 Secretary of Government in Bombay wrote to Mr. Grant,  
 1109-1. *for the first time*, about this treasonable letter,  
 924. the minister's secret agent in Bombay apprized  
 933. him of it. Immediately on finding that the  
 1160. minister was aware of what had been done,  
 930. Umrutrow took refuge for his life in the  
 1185. British Camp; and Furkey, who had gone to  
 1182. reside at Baroda, on the invitation of the  
 1184.

Gaekwar himself, found it necessary to follow him to the same place of safety. The minister seems to have betaken himself to energetic measures, imprisoning persons until they would give false exculpatory depositions in his favour, and attempting to obtain a forgery of the letter which might be produced as another exemplar of the fabrication to which the letter itself was to be attributed.

939. The Bombay Government rested on the subject, and left it for Colonel Outram's successor. Rumour unhappily says that, in dudgeon at their ill success in these questions with the Home Authorities, and desirous of establishing their own bad opinion of Furkey, they have directed the new Resident to re-open the inquiry as to the origin of the letter. If so, the responsibility must be their own; for Colonel Outram has already shown what stratagems, violence, and perjuries may be expected while 933-24. 1168-9. 1182-3. Tambeykur is minister, (far more than ever indeed, now that Colonel Outram is removed for opposition to the minister,) and what Furkey may expect as the result.

While these events were occurring, and Nursoo's fate, at the hands of Government, was not yet declared, Colonel Outram seems to have received information which decided him to a bold but successful measure. On the 27th September, 1851, he

1101. directed the clerk of the British post-office at Baroda to stop all the letters directed for certain persons in Baroda and Bombay, to keep the matter secret, and to bring the letters to the Resident when ordered. Of these persons, the principal were Dajee Dhondeo Sattey, in Bombay, his brother Wamun Row 1163, & 3. Dhondeo Sattey, in Baroda, and Govind Row Mullar Josee, all of whom were afterwards proved to be in close connection with the minister. In ten days the requisite letters were caught, were delivered to the persons to whom they were addressed, in the presence of the Resident, and were there opened by them. The enclosures showed a system of concealment, and the

contents proved clearly, not only that very extensive and accurate information was given to the minister of such things as might fairly be reported, but correct statements of the latest secret movements and intentions of Government, in important affairs, together with actual copies (making allowance for translations) of the minutes of the Governor and the other members of council. Moreover, there were letters whose calculated obscurity showed that they referred to intrigues in progress, and one amongst them contained careful advice as to the mode of meeting at Baroda the inquiry respecting the treasonable note. The later letters show the effect of the interruption of the earlier, and so establish the authenticity of the whole, in spite of some denials attempted in the first instance.

The Government was vexed at this disclosure, as its measures too clearly showed. It was not to remedies, or even to co-operation in further inquiries, that it directed its chief attention. Its first acts were to insist peremptorily on Mr. Gregor Grant giving up the

1117-11. name of the person who sent him the treasonable note, to call on Colonel Outram to justify an expression in his letter, by giving the instances in which his predecessors and himself  
1116-10 had apprized Government that their secrets were betrayed at Baroda, and to assure that officer that they were not aware of the interests of their Government having ever suffered by any such betrayal.

Other disclosures followed, from which it appeared that arrangements existed for equally correct and early intelligence from Poona, when the Governor remained at the residence near that city; and  
1122-B. one seemed to show that this branch of the secret service had existed from the date of Nursoo's leaving the Deccan for Baroda.

But, further: Govind Row Roria, who had been the Gaekwar's agent in Bombay, was in possession, as it will be remembered, of the minister's secret as to  
1125-26. his "treasonable note." He was, therefore,  
1144-15. kept under strict surveillance from the time

of his return to Baroda, and at length put into close confinement, where he would probably soon be induced to subscribe any statement the minister required. He sent to Colonel Outram an offer to make a full disclosure of the intrigues which had been prosecuted at Bombay, supported by sufficient proofs, provided the Resident would assure him of protection from the ill usage he must infallibly expect if he substantiated the facts. Colonel Outram applied to the Government for authority to give him the necessary assurances, as the *only* means of bringing the truth to

1126-27. light; and he quoted a precedent exactly in point. The answer received was, that Government did not think it advisable to follow the course recommended, but that Colonel Outram was "at liberty to pursue, in this instance, his own investigations at Baroda, by every legal means in his power." The feelings which dictated this answer will be best estimated by remembering that it was given him *immediately after the receipt of his "Khutput Report,"* and its object will be shown by the fact that its date is *four days before his dismissal from his post at Baroda.* The

17-8. Court of Directors judged very differently of what ought to have been done. They say, "We cannot approve of your having thus arrested *in limine* an inquiry which might have furnished a clue for the detection of mal-practices of the existence of which there is no doubt. It would have been easy to make the pledge of safety to Govind Row conditional on its being found that his information was both correct and of substantial value."

The remaining month of Colonel Outram's stay was marked by further revelations. On the 23rd of November

1127-30. he apprized the Government that a mass of original documents had fallen into his hands, which proved that a plot had existed to bribe himself with 50,000 rupees, on his return from Egypt, and Mr. Malet with 10,000 rupees at the same time; that the Gaekwar's minister was its instigator, but that the prince himself knew nothing of it. Government



refused to take any steps in the matter, on the ground that the information given by Colonel Outram was too  
 1137. vague for legal proceedings; and that the minister was not legally amenable to us for such an intrigue. Colonel Outram wished for security to be taken from him against quitting Baroda, with inimical purposes, as a former minister had done. The Government, however, declined this suggestion also. The chief object of these, as of the celebrated Dack-jee Dadajee intrigues of 1843, was the abolition of the Guzerat Irregular Horse\*. Here, again, the views of

\* The maintenance of this body by the Gaekwar is an obligation to which the State of Baroda is bound by treaty with the British; the cost seems to be about three lacks of rupees, or 28,000*l.* per annum. It must not be supposed that to remit this charge would be so much gained by *the people* of the Gaekwar's territories. The measure of taxation in India is not the necessary expense of State purposes, either under native Government or our own; the rule is, to take all the people can be made to give. In our own territories this rule is applied with more consideration for permanent results and general contentment than at present, or perhaps usually in past times, in most native States; but still the essential rule, as distinguished from our own rule of taxation at home, is the same. So, also, the produce of the taxes is spent, under native rule, on many purposes—the pomp or pleasures of the prince, the support and aggrandisement of favourites, &c.—amongst which, objects of public utility, or the fulfilment of the true duties of a Government, have to take their chance. Under the British despotism in India, the objects on which the taxes ought to be spent are somewhat more carefully kept in view in principle, however the actual administration of affairs may be open to censure in detail.

From this it will be seen, that to obtain the relief of the Baroda State from the obligation of maintaining this body of horse, would be, in fact, to obtain the additional sum of 28,000*l.* per annum for any purposes in which the prince, or minister, or minister's party, might choose to spend it, amongst which purposes the public advantage would stand little chance of attention, and a reduction of taxation would not be admitted at all. Hence the persistent solicitude for the abolition of the Guzerat Horse, and the many successive intrigues to effect it.

Where, as in Guzerat, personal security is so low, that few persons travel, even in the day-time, and for short distances, without arms, it is obvious that a much more prolific source of economy to *the people* would be their effectual protection by law, and by the force of the Government.

the Court of Directors are strongly opposed to those of the Government of Bombay, and in favour of those of Colonel Outram.

Passing by other communications which showed how false replies to expected interrogations, in these mischievous but shallow schemes, were concocted, the only one requiring further notice is that of a set of minutes of the members of the Bombay Government, on one particular subject, correct enough to give the gist of opinions recorded by the several members of Council, and to show the differences amongst them. The possession of these occasioned ill feeling and difficulties for a period of three years; the Governor, however, insisted that these intrigues, and others which he admitted to have been well proved to exist, had done little or no harm; and that we had no right to find fault with Bhow Tambeykur, the Gaekwar's minister, for he had only done the best he could for his master. Moreover, the correspondent who resided at Baroda was no subject of ours, and so we could not even arraign him; and he who lived at Bombay we could not punish, because, although we have a law against taking a bribe, we have none against giving one. All we could do was to take better care of our papers in our own offices. Better excuses for Khutput, in the mouth of a Governor, it is hardly possible to imagine.

Colonel Outram had to feel, in some of his very last acts at Baroda, the effect of the system he was endeavouring to destroy. He had asked the Gaekwar's Government for the attendance of certain witnesses he required, and the sending of them seemed likely to proceed in the usual way, when suddenly the Gaekwar himself, evidently under the minister's dictation, assumed an entirely new tone, and required that Furkey, who could have had nothing to do with the question, should be given up to him, as a Gaekwar's subject, or at least removed to a distance from the British camp. The object was evidently either

that the minister might rid himself by violent means of Furkey, or that the damaging revelations then in progress might be stopped by Colonel Outram's refusal to surrender Furkey. The opportunity and the courage to venture on such a course were supplied by the information which the minister received on the night of the 27th, of the determination of the Government to remove Colonel Outram, which was only expressed in minutes at the earliest on the 22nd, and only carried into effect by an official act on the 27th, the very day the minister was informed of the resolve: the clandestine intelligence evidently was founded on the private minutes, not on the public act. It is quite in keeping with such a policy that the minister threatened, coerced, and imprisoned all who were required, either by silence, forgery, or falsehood, to screen himself from the charges of bribery which Colonel Outram, in consequence of the evidence recently obtained, openly made against him to the Gaekwar himself, as well as to his own superiors.

The last letter of Colonel Outram before quitting his post of the 15th December, was to warn Government of the coming intrigues of the minister by describing the preparations for them, and to record his conviction of the integrity of Furkey and of Soorujram, which in respect of both had been often and most severely tried. He describes Furkey as left in imminent personal danger from the vengeance of the minister; and Soorujram as living in continual dread of false accusations which were known to be always in preparation against him in some form or other, and as seriously ill under a conviction (reasonable in the eyes of a native of India) that he was suffering from witchcraft\*. Colonel Outram solemnly places them, in his final

\* A firm belief in the power of witchcraft is sufficient to produce all the injurious physical effects on the natives of India, which are

paragraph, under the protection of the Government he believed they had so faithfully served.

The Resident left Baroda after an interview with the Gaekwar, in which that prince declared, as he had  
 1481. done a few days before, his unfeigned regard for, and reliance on, him, distinctly separating his own personal feelings and wishes from the conduct of his ministers and advisers.

Let us now briefly review the facts which made up the general aspect of Khutput to the people of Baroda, at the date of the fall of its untiring opponent, and of his departure from amongst them.

The Government, immediately after Colonel Outram's dismissal, appointed a committee in Bombay, which, after an unsuccessful pursuit of the trace afforded a year before by Colonel Outram and Captain Barr, luckily  
 1193, &c. fell on a document in the box of a Mr. Marston, an assistant in the Secretariate, on a salary of about 80% per annum, who was proved by independent evidence to be guilty, if at all, of correspondence with the very parties, whom Colonel Outram had been enabled to point out by means of the letters intercepted at Baroda. The proof against him is by no means clear: but suspicion in his case was deemed enough for dismissal, (and indeed justly so,) while the severest legal test of guilt was required in the cases we have narrated, when the great dealers in Khutput were concerned. There is an inference to be drawn from the comparison, which the people of India could hardly be expected to avoid.

ascribed to the incantations themselves. Accordingly those persons who maintain their influence with their countrymen by pretending to this power, seldom resort to stronger means with natives than such as deal with the imagination. But when Europeans are to be operated on, who are not under the influence of such a belief, frequent small doses of secret poison are employed. Probably very few such cases actually occur. Colonel Outram himself has twice suffered in this way; and it is said that Mr. Bettington, whose report contributed to the issuing of the Khutput circular, has been permanently and seriously injured by this diabolical means.

905-3. Nafra was indeed in prison; but with a  
 906-4. fraudulent mitigation of his sentence by his  
 906-note. friends in the Gaekwar's Government. He had  
 the firm he so mismanaged little short of 40,000l.;  
 855. besides valuables he had taken without stint  
 the treasury he jealously kept under his own charge,  
 833. which, in the absence of accounts known to  
 859. have been abstracted by him, could not be  
 860. estimated at less than 70,000l. in jewels, and  
 861. 50,000l. in money. Yet he was still bold  
 835. enough, even in his prison, to refuse accounts,  
 1446-33. explanations, and the keys of his former  
 1298. charge: he was honoured by the Gaekwar's  
 principal native gentry; he sent large sums of money to  
 Bombay for Khutput purposes; he was free and hope-  
 ful enough to engage in fresh schemes for swearing  
 901. away Joitabae's rights, by affirming on pur-  
 chased oaths, that the child the medical com-  
 mittee declared she must have had was born in Bombay;  
 his neighbours still held a faith nearly as strong as ever  
 834. in the power of his Khutput in that city;  
 and when either "compunctious visitings," or  
 some hopes of future advantage, led him to contemplate  
 317-9. a full confession, he was still cheered and  
 rendered firm again by hopeful intelligence  
 from his friends in Bombay.

834. Joitabae, childless, was left with a scanty  
 799. maintenance for a person possessed of such  
 862. rights as hers, and she remained burthened  
 with debts incurred in her support and de-  
 fence. Her fellow-wife and herself are left by our  
 864. Government, which professes to guarantee  
 them, and has so often interfered in their  
 affairs, to recover the defalcations and abstractions of  
 863. Nafra by the ordinary practice in respect of  
 unguaranteed persons in Baroda; even the  
 promise of the eventual review to which the guarantee

and usage entitle them, being *expressly* omitted;—that is, they are left to apply without appeal, to a body composed of, and ruled by, Nafra's firm, powerful, and now triumphant friends.

866. Nursoo, after conviction, was dismissed to the retirement he had himself purposed to apply for, befriended to the last by a strong attempt by Mr. Bell to save his pension for him, and a successful one, for a time at least, by the whole Government, to preserve his village.

Furkey, after taking refuge in the British camp from the vengeance of the Gaekwar's minister, excited by his services to the British Government in the detection of Khutput and the defeat of its objects, and after being honourably acquitted of every charge which at intervals had been most perseveringly made against him, seems to have followed Colonel Outram to Bombay, where "his manly but melancholy air" ought to have seconded the still stronger consideration that he was now ruined for his faithfulness, according to his own prediction some years before. His only remaining protection seems to have been a letter from the Court of Directors, establishing his right as a British subject.

1400. Soorujram, dejected, harassed, and sick, awaited with fear the machinations of the friends of Khutput, unless he could remove from beyond their range.

1390. Govind Row Roria, who was in possession of the minister's secret as to the treasonable note, and had offered revelations to Colonel Outram, was in prison. Umrutrow, who had given important facts, was a refugee, in fear of his life.

33. The minister was in full enjoyment of power, his prince being evidently greatly under his control; the administrative body (the Durbar) was composed, for the greater part, of persons who had been discarded with disgrace from the employment of the British Government.

1308. Colonel Outram, one of the most distinguished po-

litical officers the Government had at its disposal, was dismissed, not only to the triumph of the corrupt minister he was opposing at the moment with unprecedented effect, but at the very juncture when the clearing up of those disgraceful mysteries, so long sought by him, was just within his reach.

In estimating the force with which this contrast would strike the public of India, it must be remembered that there appears to have been little suspicion amongst the natives that corruption could be made to influence the *local* British officers—the reliance was always on Khutput at *Bombay*; and the coincidence is remarkable, that while, on the one hand, every successful effort to bring corruptionists to justice was made by local officers, often without authority from Government, and almost always without their encouragement, so, on the other, almost every measure, whether for the discouragement of investigation, the palliation of evidence, or the mitigation of punishment, came for years together from Bombay. The ultimate conviction of Brijlal, Nursoo, and Nafra, the natives would deem exceptional cases, to be attributed, as they attribute all reverses, to the ill-luck of circumstances. Not a whit the less do they retain their belief in the normal and abiding influence of Khutput; nay, that belief has been confirmed by the total effect of all recent events.

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Before confining ourselves to the questions between the Government and Colonel Outram, we must here review the controversy which arose on the case of Joitabae. The Report of the Resident is dated 31st

319. March, 1851, six months after the conviction  
535. of Nafra (October 22nd, 1850), after much confirmation of Joitabae's pretensions to maternity had been obtained by a committee of medical officers, and after much foul play on the  
690. part of Nafra and his friends in the Durbar,  
676. had been exposed by the Reports of Mr

Gregor Grant and his Sheristadar on the falsification of the depositions.

Colonel Outram's Report exhibits the entire history of the case: it reviews the conduct of all the parties in it, the British and Gaekwar's Governments included; it quotes at length the most important papers; and it shows how great was the apparent reason the people at Baroda had to believe that British justice had been hoodwinked by Khutput. We have already given, at as great length as our limits allow, the substance of this voluminous paper, with references to the original evidence for the facts it embodies.

392. Mr. Willoughby, in a minute dated on the very day of his resigning his seat in the Council (28th April, 1851), expresses, with evident concern, the grave opinions which, in the brief time permitted for his perusal of this Report, he had felt himself compelled to form. With all his experience of Guzerat, he seems amazed at the extent of the villany revealed; and he calls on the Government he is leaving to show by what means they had all been led to treat as "a wicked impostor" and "an impudent deceiver," a woman who now seemed to be "the injured victim of perhaps as foul and nefarious a conspiracy as was ever hatched." He can only conclude that Colonel Outram and Captain French kept them in ignorance; laying much the greater blame, hypothetically, on the last-named officer, and clearing himself as much as possible by reminding his colleagues that he had at the first objected to the appointment of Captain French to the post of Resident at Baroda. His brief but expressive annotations on Colonel Outram's report not

393, &c. only betray a strong conviction of the truth of the Resident's conclusions, (on the reserved hypothesis, indeed, that the accompanying depositions were accurately represented in the Report,) but go much further than Colonel Outram had done as to the right of the British Government to control the inquiry, and even to carry on an original and indepen-



dent investigation into so serious a case \*. In every respect, these annotations strongly contrast with the querulous complaints, and timid but cunning casuistry,

\* The guarantees on which is founded any right of the British Government to interfere to the extent Mr. Willoughby would have advised, or, indeed, to interfere at all, are evidently much prized, even yet, by subjects of the State of Baroda, although their original objects have long passed away. The immediate occasion of these singular engagements was as follows. The Gaekwar of that day was deeply and hopelessly in debt; and amongst the most serious of his obligations were the arrears to the Arab mercenaries, who at once impoverished the country, and starved from the poverty they created. The prince, like many Indian princes, had little credit, even with his own subjects; and the bankers, although wealthy enough for the purpose, would not advance the sums necessary for the pay and discharge of the Arabs, except under such a guarantee of the British Government as we have already described. The necessity for that guarantee arose in this way;—so long as the Arabs were dependent on the bankers for advances of money in absence of their pay, they were as much the soldiers of the money-lenders as of the prince; but if once these needy foreign swordsmen were got rid of, the bankers would have no protection against the prince's will: and to supply this protection they required the British guarantee.

It is obvious, however, that this could be only one particular in a more general condition of things. The state of the country when the guarantees were first given, is shown by the resistance then commonly made by villages to the levying of the taxes of the year, until the native Government had given formal security not to oppress them,—by the prevalence of raids from the neighbouring mountains and forests, by which black mail, often to two or more disputing parties over the same ground, had been established as customary right,—and by the arrangements made by Sir John Malcolm for paying stipulated sums to these recognised freebooters through the British authorities, in preference to suffering them to overrun the land with their indefinite demands.

It seems strange to us that, on any consideration, a Sovereign should permit, such a participation in his sovereign powers, as is involved in the operation of these guarantees. But in truth, the Gaekwar practically gained much more of sovereignty than he lost, as the total effect of the arrangements which so let in our interference. And even more; the fundamental idea of Oriental sovereignty, that of property, not of office, was by no means violated in principle, but only diminished in the amount of its practical result, by the standing disorders which formerly kept down the revenues, and resisted the power of the prince. The change from such troublesome and costly disorders, to the permanent and regular interference of the British, was, on the whole, a great gain to the

of the minutes of the remaining members of the Government. His chief anxiety is to know how Government was so lamentably misled.

The Governor's minute is dated 10th November, 1851, six months later than Mr. Willoughby's. In the interval, Nursoo had been convicted; Mr. Andrews had been involved in a discreditable suspicion—perhaps, however, not very well sustained; Furkey, who had warm friends in Bombay, and equally warm enemies in the Government, had been most honourably acquitted of new charges; and Colonel Outram, by a "vigour beyond the law," had obtained vexatious evidence of high play in Khutput. Nafra himself had active friends at the Presidency. The minutes on Colonel Outram's Joitabae Report are dated within a few days of his removal from the office of Resident at Baroda.

The Governor's minute complains that Colonel Outram openly "proclaims his fears that Nafra's  
399-6. influence should be exercised on the Government, and lead to their mitigating his sentence;" and, while he cannot refrain from according to Colonel  
397-8. Outram the unqualified approbation of Government, for the sympathy he has shown for a "persecuted woman, for the protection which he has extended to her, and for the contest which he has sustained in her behalf, with all the corrupt influences of a native court," he complains of the terms in  
400-9. which Colonel Outram has addressed the  
400-21. Government; of the inferences which may

Gaekwar at that time, however distasteful the interference may have become in these quieter times.

The present narrative leaves no doubt as to the reasons for which the persons who possess these guarantees desire to retain them. It seems clear that their value lies in their mitigating the tyranny which is elsewhere the ordinary consequence of our protecting an Indian prince against its common corrective, rebellion. They thus involve us in duties of which we cannot easily divest ourselves until the same effect can be provided for in some other way; and we have other considerations to take into account, besides our own inconvenience, before we withdraw from obligations of this nature, which we have taken on ourselves, and from which the beneficiaries are evidently unwilling to release us.

be drawn from his statements; and of his having put  
 400-23. Government on its defence. He says that  
 Colonel Outram has, moreover, sought to influence Government in a purely judicial proceeding,  
 401-25. by a consideration foreign from justice, viz.  
 a regard for their own endangered reputations; that he is altogether wrong when he  
 401-31. complains that Government have not supported him; and that Government have always acted  
 401-32. correctly according to the information they possessed at the time, Colonel Outram himself, as well as Captain French, having failed to inform them as he ought.

402-35. As to the belief in Khutput, he treats it as a notion so thoroughly Asiatic that it is in vain to struggle with it; but he does not show how it happens, even on Asiatic principles, that large sums should be spent on Khutput, *for many years together*, if it always seemed to fail; nor does he show that the fixity of the native belief in Khutput exempts the Government from taking care of their own measures and reputation in respect of it.

405-66. His Lordship mistakingly blames Colonel Outram for leaving India without a caution on the case to the Government, or a summary to guide  
 406-77. Captain French; he blames Larbaee for refusing her full evidence to the Gaekwar's Court which she so deeply distrusted; he gives a narrative of the case, with comments, to show  
 395-22. that Government had always acted up to its knowledge; he blames Captain French severely on grounds to which we have already  
 409-99. adverted, and partly excuses him for shrinking from a dictatorial duty towards "the favoured and trusted of the prince," to whom, however, in fact, the prince was in bondage all the time. He says  
 411-100. that but for the lucky revelations made to him, Colonel Outram might have succeeded.  
 411-111. no better than Captain French; not remarking, however, that the fault of the latter was his so neglecting to use

the means within his reach, that, but for these revelations, even Colonel Outram could not have remedied the consequences; and then follow these two remarkable paragraphs, which, as if still to show how little Government was disposed to support an officer fighting with corruption, were communicated to Colonel Outram only through the Blue Books.

411-114. "I now turn to the case itself, which, the more it is studied, must, more and more, impress the mind with admiration of the extraordinary ability and patience displayed by Colonel Outram, in investigating the obscure and secret conspiracies which are the subject of his Report, dated 30th March, 1851, in baffling native intrigue upon its own ground, and in unravelling with much ingenuity, if not always successfully, the frauds, perjuries, and the mass of contradictory depositions which have been taken and committed, from the period when Larbaee's first petition was presented to Government in 1847, up to the date of Baba Nafra's trial and conviction in August, 1850.

"The task he undertook to perform may indeed be termed an extraordinary one. Once persuaded that Joitabae's tale was true, and that she was the victim of a foul conspiracy, he has, alone and unaided, stood by her, has opposed the active machinations of her powerful enemy, deriving a strong support, as they must have done, from their success with the Acting Resident, and through him with this Government, has openly met the secret hostility of the Baroda Durbar (for the Gaekwar himself, however well meaning he may have been, has been evidently and wholly passive in the matter), and finally unveiled and exposed the domestic treachery of the Native Agent, which would appear to be but too clearly established by the facts and reasoning of this report. The Commissioner's proceedings will, however, enable us to decide this point with certainty."

412. The whole question is made to turn, both by Lord Falkland and Mr. Willoughby, on the single point of Joitabae's maternity, to which his Lordship next addresses himself. He admits the veri-

similitude and consistency of Joitabae's story, as well as the apparent title to credence afforded by the attendant circumstances; but he assigns six reasons for doubting its truth, none of which seem to be of force, and some of which it is strange should be advanced at all after the report of the medical committee. Let it be remembered, that in the interval between the reception of the Report and the date of the minutes on it, the Government had sought and obtained a still more emphatic opinion, with facts, from Dr. Davey, on whom the personal examination of Joitabae devolved.

The six reasons of his Lordship, with our remarks on them, are as follows :—

1. Joitabae, married at eleven or twelve years of age, lived with her husband till about the age of seventeen without having a child; it is thereupon inferred to be improbable that she should have been a mother at last.—But surely there are like instances enough within the knowledge of almost every person, even where youth and immaturity do not, as here, postpone the probability of maternity; and, singularly enough, the incidents of Joitabae's married life are paralleled, as nearly as possible, by those of her fellow-wife, Mahaluxmeebae.

2. Joitabae had a strong interest in making out a story, true or false, that she bore a child to her late husband.—No doubt she had; but this only shows that she *might* have told a falsehood, not that she *did* tell one. How would it have been possible for Joitabae really to bear a child under the circumstances, without having this strong interest in the fact? The argument would have applied just as much to her fellow-wife as to herself; for be it observed, that the age of the child, and the recognition of it for three years, would have been no defence against a perjured allegation that it was originally spurious. Mahaluxmee, according to this reasoning, may have imposed a spurious child on her husband. She had as

great an interest in doing so as Joitabae had. To such absurdities does this argument conduct us.

412. 3. There were peculiarities, which do not often occur, in Joitabae's health during her period of pregnancy.—But the medical committee showed beyond doubt that they were only 695-16. peculiarities, and not facts inconsistent with actual child-bearing.

412. 4. Her husband was in a state of health for some time before his death, which rendered it unlikely that his wife should bear a child to him.—This argument the medical committee, 693-11. for medical reasons, wholly reject. Besides, if we may for a moment subject Joitabae's good name to an hypothetical scandal (which we believe would be utterly without support from her own conduct), the question is not as to her husband, but herself. An adulterine child is as good as a legitimate one, for all legal purposes, until the adultery is proved; and nobody has attempted to prove adultery against her, although Nafra, at two different periods, seemed to have contemplated a perjured resort to the device. We do Joitabae some wrong in using her name in connection with such an argument.

412. 5. Joitabae was brought to bed at her 658. father's house.—But this was clearly according to the custom of her caste. The only inference drawn from this by his Lordship is, that the place was favourable for imposition; it will not bear the inference, without which the fact is wholly immaterial, that imposition was actually practised. But what if she had resorted to any other place for her accouchement? Would it not then have been said that the departure from usage was to facilitate imposture? What is any person to do, who is equally accused, whether he takes a given course or that directly opposite?

412. 6. Joitabae's husband, it is said, did not know that she was *enceinte*; and Joitabae was

afterwards excluded from caste for having surreptitiously brought in a low caste child.—The evidence to show that the husband did not know it, is confined to two considerations; the first is presumption from certain provisions in his pretended will, a document of which it is highly probable he never knew the contents; and the second, a certain symbolical placing of

488-3.

488-4.

Mahaluxmee's son on Joitabae's knees, which may easily be accounted for by the uncertainty of her having *a son*, and that to survive, although she were known to be *enceinte* at the time. A miscarriage, (as had previously happened to her,) the birth of a daughter, or the early death of a son, must all have been probable contingencies in the mind of the dying banker, and would naturally lead him to wish that, in any case, his only son should care for both his widows. The affection of Joitabae, evidently the stronger-minded woman, he might well wish to gain for the advantage of Mahaluxmee's son. As to expulsion from the caste, Lord Falkland argues as though people at Baroda went about their business as safely and independently as in Bombay, and as though nobody had had experience of Nafra's qualities, and of his means of exercising them;

655-30.

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and surely the account given by the caste people themselves, of the strong-handed manner in which Nafra gave them just what representation he pleased as to Joitabae's child, and then took their conclusion on it, is quite enough to show that no argument was to be founded on the widow's exclusion from caste, even if her subsequent restoration had not fully admitted the error of the expulsion.

898-192.

It is worth remarking, parenthetically, that if Mahaluxmeebae had been the stronger-minded woman of the two, so that Nafra had had a greater interest in getting rid of her than of Joitabae, most of his devices would have suited the case of Mahaluxmee as well as they were made to apply to that of the other widow.

Lord Falkland then goes into the arguments in favour

of Joitabae, giving less weight to them than Colonel Outram had done; but admitting at last "that if it were his own duty to decide judicially upon the evidence which has been transmitted to them, and no other were procurable, his verdict would be in her favour." The remainder of his minute is occupied with disparaging the evidence, and with suggesting a theory of the case which assumes both Joitabae and Nafra to be guilty; the

420-165. latter first conniving at, then imitating, and at last exposing the imposition of the former, as his interests at the time seemed to dictate. He says

421-167. that this is quite as probable as that Joitabae bore a son to her husband! yet he is compelled to admit in the next few lines that even the Gaekwar's minister, Nafra's firm friend and  
421-169. confederate, had been forced by evidence to confess his belief that Joitabae had had a son.

422-4. Mr. Blane echoes the Governor's doubts, and limits the proved guilt of Nafra to the abduction of a child of some sort. He censures Captain French, and would not interfere to mitigate Nafra's sentence.

422-5. Mr. Bell concurs, on the ground that the Gaekwar's court were the best judges.

But we cannot so dismiss the case. The medical committee say that Joitabae had certainly borne a child. Nobody of credibility accuses Joitabae of licentious conduct, much less of having actually borne a child other than as she herself alleges, and as the persons ordinarily most likely to know affirm. The

550-2. Gaekwar's Punchayet say that Joitabae did not procure a child from Meetapore. The last-mentioned body say that Baba Nafra "laid a

544. most villainous and diabolical plot against the wife of his master who had been so kind to him." The village of Amleeara was so completely

506-8. under Nafra's control (even to the death, if its inhabitants be credited), that it would have been madness for Joitabae to resort there for



a spurious child, in the face of the power of Nafra and of the jealous interests of the son of her fellow-widow, and yet, after the emphatic decision of the reluctant Punchayet that she *did not* procure a spurious child from Meetapore, it must have been from this impossible Amleeara she procured one, if at all.

Lord Falkland had before him these strong reasons for concluding that she could not have procured either from one village or the other a spurious child. They were remarkable corroborations of the natural probability that the child which she possessed for twelve months was the genuine product of her own maternity, corroborations obtained by means of searching, and, for the most part, very hostile investigations. And yet his Lordship, in the entire principle of his minute, insists on putting Joitabaeе's case on merits of positive proofs; he calls upon her in fact, as far as he can, to prove that her child was her husband's, and he but reluctantly admits any evidence in her favour which is short of that. But is it not clear that the burden of proof rests here with the accuser? Why should Joitabaeе be called on to prove that which, in the case of every other well-conducted woman all over the world, is taken as true, and is rightly so taken? For, of the hundreds of ladies in England who have borne posthumous children, how would any one of them fulfil the requisitions of Lord Falkland's justice? Why was this strange measure dealt out to Joitabaeе? Was it because she is only a native, or because she was an opponent of Nafra? Was it the pride of European caste, or was the Government earwigged by the subtleties of some emissary of Khutput\*.

\* Lord Falkland thanks Mr. Grant Lumsden, the Judicial Secretary, for "his important assistance" in this case,—that is, in drawing up this lawyer-like minute. The business rightly belonged to the department of Mr. Malet, whose long experience in the affairs of Guzerat might have been supposed to qualify him especially for its consideration. Mr. Malet's signature authenticates the letter founded on the minute. These facts may show how acceptable counsels may sometimes be obtained, and how incorrect it may be to attribute the opinions of an official document to the functionary whose only concern with it may have been to sign it.

423-7. The Secretary's letter to the Resident is of course nothing more than the minutes in another form; with this exception, however, that *the commendatory paragraphs before mentioned are omitted*. It is dated 1st December, 1851, that is, five days after the letter removing Colonel Outram from Baroda.

867-7. The late Resident did not sit down quietly under this letter, either as to the censures on himself, or as to the faint conclusion in Joitabae's favour, which might easily let in future doubts, to be stimulated by new perjuries into a reversal of the present unwilling decision. In the midst of the vexation and fatigue of his removal, he prepared a vindication of his Report, addressed to the Government, 12th June, 1852, in which he reviews their arguments, proves how mistaken had been their apprehension of the facts, and shows how inconsistent with each other are their admissions and conclusions.

We need not here give an analysis of this document, nor of the reply of the Government, since 906-8. they do not materially add to the facts already exhibited. The occasion drew from Colonel Outram a full re-statement of the case, which, being made after objection taken by Government, meets successfully the difficulties most likely to be raised, and doubtless did much to obtain the subsequent adoption by the Court of Directors of his views in this case, notwithstanding the reply of the Government.

902. The postscript to this Vindication must be  
855. noticed for its exposure of Nafra's peculations, to which we have already referred; for the statement it makes, that Nafra's punishment was greatly mitigated surreptitiously; and for the warning it gives, that the letter by which the Government 863-3. had stripped the widows of the customary  
863-4. aid of British protection in recovering Nafra's  
864-6. abstractions, left them exposed to the will of their unfaithful steward's now unchecked confederates, and satisfied the people more than ever of Nafra's power of Khutput in Bombay.

And as to the incidental facts, Colonel Outram affirms that he did no more than his duty when he used the strong language to which Government object, and that he gave Captain French ample information of the state of the case on his leaving for Egypt, which the Government do not admit. From the whole tenor and spirit of the minutes of the members of the Government, indeed, it may be concluded, that if Colonel Outram had not employed strong language, as well as vast labour and careful arguments, Nafra would have had an excellent chance of a mitigation of his sentence, to be popularly attributed again to Khutput; and, moreover, while it is doubtful whether Captain French would have made any use of such a *résumé* of the case as Government censured Colonel Outram for omitting to leave behind him (which, by the way, must have then passed through the hands of his treacherous Native Agent to Nafra himself), it is certain that Captain French did not himself use the records of the office with even ordinary effect, nor did he the letters and petitions which he himself received.

9-5. The Court of Directors (2nd June, 1852)

express a strong conviction of the innocence of Joitabae, and of the enormity of the injustice done her. They add, it is greatly to be regretted that oppression, so odious and long continued, should have been practised without our interference where our protection was due;—that the Government of Bombay, however, with their information, could not have interfered more than they did;—yet, nevertheless, that Colonel Outram has cleared himself of all blame connected with the early stages of the inquiry (that blame which the Bombay Government had laid on him), while “the ultimate success is wholly attributable to his exertions.”

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We now follow chiefly the course of Colonel Outram, and of his controversies with the Government. The dismissal of that officer from his post at Baroda took place on the 27th of Nov., 1851, within six or seven

weeks of the conclusion of the trial of Nursoo, and in less than a fortnight from the reception by the Government of his Khutput Report. His dismissal is attributed by the Government not to the Report itself (which, however, they had evidently read), but to the letter which accompanied it. Colonel Outram defended his letter, as well as his Report on the case of Joitabae,

867. which the Governor had also assailed. On  
1315. the 12th of February, the late Resident memorialized the Court of Directors against the censures of the Government; at the end of that month the Governor and his colleagues recorded  
1319. minutes on the memorial; and by the middle of the following month the whole case was dispatched to the supreme authorities in London.

Of the contents of the Khutput Report, a judgment may be formed from the present abstracted  
1340. narration of the events which it more copiously details and discusses. The letter which accompanied it, and on which the dismissal of Colonel Outram was ostensibly based, is in substance as follows.

1279. The Resident states that the Report has been delayed by his waiting the issue of circumstances which were strongly confirming the belief in the efficacy of Khutput, and which to a certain extent he had already reported on;—that he completes the narrative to the date of the Report, and has incorporated in the document his original protest against the mode of dealing with the case of Nursoo, on the ground of the probability of its want of effect;—that he has endeavoured to be at once faithful to his duty and respectful to the Government;—that the point reached by the evil demands from him very decided language;—that his difficulties at Baroda have been greatly increased by the conviction, universal at that place, that he was in disgrace with and opposed by the Government, and that the object of the course taken towards him by the Government was to get rid of him;—that an influence so diminished was ill fitted to cope with the bold and unscrupulous minister, who, possessing a most injurious

influence over the prince, opposed effectually all plans of reform promoted by the Resident ;—that collusion existed between this Minister and Nursoo, which was concealed by artful appearances ;—that, had he possessed the confidence of his superiors which he once enjoyed, he should have advised the Gaekwar at an early period of his residency to select another minister ;—that, feeling such a course would probably not be supported, he had been obliged to be content with what he could accomplish by means of outward appearances of cordiality and content ;—that he conceives he has a right to be allowed to relieve himself from this position by an exercise of authority with the native prince, such as few other Residents in India would hesitate to exercise ;—that, if Government will not give him authority to do this, he will nevertheless remain at his post, although from climate, as well as from repeated tampering with his life, it is one of danger to him as well as difficulty ;—that, while sick and weak in Egypt, the intelligence he had from Baroda, although little exact or definite, together with the steps taken by the Government of Bombay, led him to apply to the Governor-General for employment elsewhere, in order that he might be in direct communication with the Supreme Government as he had been aforetime ;—that he afterwards withdrew his request as inconsistent with that unflinching devotedness to duty, which on every occasion had been his rule of action ; that he is more than ever resolved to labour for the vindication of great principles ;—that, knowing his departure would be the signal for great intrigues and oppressions, he will remain at his post, although Government should not give him the power which he thinks needful for removing its difficulties ; that, if Government have sufficient confidence in his political qualifications and his honesty to credit his statement, he will transmit a memorandum exhibiting the hostile proceedings of the Minister, which, however, the apprehension or cupidity of all who could give testimony obliges him to refuse to prove while the Minister is in power ; that his embarrassments with the Govern-

ment of the Gaekwar are not of his own seeking;—and that to what they are owing will best be judged of from the accompanying Report.

1283. On this letter, the Governor, in about a week after its arrival, recorded a minute, in which, after noting the bulk of the Report, and deferring the consideration of it, he says the letter which accompanied it was “so extraordinary in its style and tenor as to require immediate notice;”—that Colonel Outram had formed a very erroneous idea of his duties as Resident and of the relations of the British Government with regard “to the independent sovereign and friendly neighbour” the Gaekwar;—that he proposes the removal of the Minister, without definite charges, and merely because he does not like him;—and that such a step would be regarded as “a most wanton and cruel act of aggression.” The Governor further says, that Colonel Outram overstepped the intention of the circular of the 15th May, 1850, to which his Khutput Report relates;—that his “honest ardour” in pursuit of the eradication of Khutput would not have been blamed if he had stopped there, however strong the doubts of his success;—and that, but for other things he has said, it would have been sufficient to caution him that his course was likely to embroil him with the Gaekwar for an object which could best be effected by means of better care at home. He says that Colonel Outram seems to charge the Government with having failed to support him;—to complain that he is thus made a mark of calumny and reproach;—that he nevertheless remains at his post;—that he assumes he has lost the confidence of his superiors, and that he bitterly complains of his position;—that, since it now appears that Colonel Outram has ceased to identify himself with the objects and policy of the Government, and seems to suppose he has some independent authority of his own, the Governor is convinced he cannot with advantage continue in his post of Resident at Baroda; and, moreover, it appears that he is labouring under impressions incompatible with “the tact, calm-

ness of mind, and discretion, indispensable to the maintenance, on a satisfactory footing, of our political relations with the Baroda Government ;"—" that much embarrassment will ensue if he be permitted to remain there ;"—that he " would therefore inform him that the letter under review, taken in connection with previous correspondence, has convinced us that it will not be for the advantage of the interests of Government that he should continue to represent them in Baroda."

Mr. Blane agrees with the Governor, and anticipates

1284. evil " from the Quixotic design Colonel

Outram has conceived of eradicating what he imagines to be the popular belief of the efficacy of indirect influence through the corruptibility of Government officials, though in reality, it is to be feared, under the instigation of Baba Furkey and other wily intriguers, who are seeking to turn his monomania to advantage in the attainment of their own ends."

1285. Mr. Bell " fully concurs."

The Resident was accordingly desired to resign.

1295. To the letter founded on these minutes,

Colonel Outram replied, (15th December, 1851,) in the same letter that conveyed the resignation which had been required of him. He showed that, contrary to the allegations of the Government, he had acted on a correct knowledge of the relations of the British and Gaekwar Governments; that the views he had expressed as to the removal of the minister were in accordance with those relations; and that he had brought distinct and specific charges against the minister. He showed that the Honourable Mountstuart Elphinstone, in 1821, and Sir James Carnac, in 1841, had insisted on the expenditure of the revenues, the choice of a minister, and the general course of the Government, being always subject to the approval of the Resident. He cited the letter of Sir George Arthur to the Gaekwar, in July, 1843, on occasion of the Dackjee Dadajee intrigues, in which he reproves that prince with some sharpness, for having thought

that reports prejudicial to a high character for integrity were unworthy a great Government, and assures him that the British Government is so jealous of its honour in this respect, that it had instituted rigid inquiries, and would punish the guilty parties; and still further, charging the Gaekwar with being backward in aiding these investigations, he told him he should lay the case before higher authorities, the effect of which step it was impossible to foresee; and he exhorted him to avert the consequences by the fullest disclosures, and by excluding from his councils the men who, for their participation in these intrigues, had already been excluded from the Residency, amongst whom, we may incidentally notice, was this very Baba Nafra, the hero of so much of our story. Colonel Outram further quoted the reprimand given at the same time to Mr. Boyd, the Resident, for not having taken steps, under very similar circumstances, more vigorous than those Colonel Outram had asked and been refused authority to take; and he forbears to quote other opinions and precedents exactly supporting the course he had taken. He proceeded to state the specific charges which he had at various times made against the minister, and which he had stated with all the plainness he could, although always with the caution inspired by the certainty that the minister could obtain all or any of his reports if he pleased; that he had placed in the hands of Government, proofs of the complicity of the minister with the treachery in their own secretariate; and he assured them he could obtain further proofs, if only a sufficient precedent, which he adduced, were followed in affording the needful security to the informant; that, directly in breach of treaty, the minister had associated with himself, in official capacities, persons who had been discharged in disgrace from the British service, and that these persons constitute a majority of the official body. He argues, that neither a just interpretation of our treaty relations with the Gaekwar, nor an accurate knowledge of the facts of the case, nor a due reference to his own official



career, would have led the Government to stigmatize his proposal as "a most wanton and tyrannical act of aggression against a compliant and unoffending ally;" and he says, that while, on the one hand, he hoped that his earlier exposures of the misconduct of the minister would have led the Government to milder measures, which, taken in time, would have saved the minister from direct censure, he was, on the other, compelled at a later period, by the course of the Government itself, to recommend a dismissal of the minister as the only means of stopping a career which might, at no distant period, require and justify the absorption of the Baroda State. As to the censures on his Khutput Report, he says that the materials of that document are merely the details and results of investigations which necessarily occupied him in the course of his other official duties; that the composition of it was effected in hours abstracted from recreation and repose; and that only an intense conviction of its being his duty, led him to place again before Government such a mass of disagreeable revelations. He says he never entertained a Quixotic design of rooting out corruption from amongst the natives of India; but he did hope to be supported by Government, in showing that high British functionaries were incorruptible; that failing, however, like some of his predecessors, to receive that support, he was deprived of his just and necessary influence, made an object of adverse boastings, treated with rough disrespect even by British officials, and put in danger of his life. For the truth of all this he refers to his Khutput Report, and his Report on the case of Joitabae; the Government, too, had long known it, and yet had given no sign of help or approval. He defends himself against the accusation of having supposed he had an independent authority, while he claims to have apprized the Government, in the strongest possible terms, that owing to their own measures he had in fact neither influence nor authority at Baroda, except as far as he could personally command it. He declares his intention of appealing to the higher authorities, not

against his removal, but against the reasons given for it; and stating again how confident had been the predictions of the corruptionists of his recall or death, and how great their triumph now the former had been accomplished, he foretells their deep revenge (already in preparation) on those who had escaped or thwarted them, to be followed, he believed, in the course of God's good providence, by a signal and perhaps not tardy retribution. As an Appendix, he gives

1308. a list of the individuals, discarded for bribery and misconduct by the British Government, who were then, contrary to treaty, employed as the principal administrators of the Baroda State\*.

1309. The Governor's minute, on this letter, is dated 26th January. It denies that the precedents quoted by Colonel Outram are applicable; asserts that the question between them was not whether the Gaekwar was under obligation to appoint a minister in accordance with our wishes, but whether the Resident had a right to call on him to do so without having special directions to that effect from his own superiors; that if proofs were supplied to the satisfaction of Government, that the minister was acting in a manner dangerous to the welfare of the Gaekwar State, or inimical to British interests, there would be no hesitation in calling for his removal; that Government never intended to impugn the diligence or good faith of Colonel Outram in the slightest degree; that the censure of Government on Mr. Boyd in 1843 is not an applicable precedent, inasmuch as that was occasioned by his want of decision, in fulfilling specific instructions

\* The superintendent of military and police, the superintendent of finance, the law adviser, the chief of the city police (Nafra's friend Sumbhooram), the minister's personal assistant, and several others, had been discharged from the British service for misconduct, and, in the majority of cases, for bribery. Among them are Dadoo Punt, of whom we have seen something; Hurreelal, the immediate

30-6. predecessor of Nursoo, as Native Agent at Baroda; and Madhoolal, once Native Agent at Sadra, of whom the Court of Directors wrote in 1842, that he had been far too leniently treated.

from his superiors ; that Colonel Outram's dismissal was not occasioned by his Khutput Report or its contents, but by his avowal of his want of similarity of feeling and objects with the Government he served, by the position in which he had placed himself with the Gaekwar's Government and its members, and by the consequent loss of the tact, calmness, and discretion which his post required ; that although Colonel Outram never said he did not regard the Government with respect, it is impossible to draw any other conclusion from his correspondence ; that the plain meaning of his words was, that he had an independent right to advise the Gaekwar to dismiss his minister ; that his removal, whatever evil may result from it, is of his own procuring ; that he hopes Colonel Outram's representation of the state of things at Baroda is exaggerated ; that, whether so or not, they may have confidence in his successor ; and that it is not necessary to communicate further with him.

1312. Mr. Blane, the next day, says that the letter of Colonel Outram shows the unfitness of his remaining ; adverts in the same sense as the Governor to the case of Mr. Boyd ; says that "supposing him to believe in the origin he assigns to the popular conviction of the efficacy of Khutput, it ought to be evident to him that his placing himself in direct and unbecoming opposition to Government could only result in his exposure of such want of concert as inevitably to afford strength to what he pretends to be seeking to eradicate ;" and that Colonel Outram's real motive was his vexation at the censure passed by the Government on his proceedings in the Gorajee Pol and Govind Row Gaekwar cases, and the approval then given by Government to the conduct of Nursoo, which, however it may since have been shown to be mistaken, did not justify Colonel Outram's "tone of attack and exaggeration." He then recommends that a summary of the whole case be prepared for the use of the Court of Directors.

1312. Mr. Bell concurs, while Sir John Grey, Commander-in-Chief, disclaims participation

in the proceedings or opinion on the case, on the ground of his absence from Council.

1315. On the 12th of February Colonel Outram memorialized the Court of Directors. After stating that his former experience had deeply impressed him with the evils arising from the belief in Khutput, and that he had hoped that the Government at Bombay were at length prepared to support measures for disabusing the native mind of that pernicious persuasion, he says that he entered on his duties at Baroda with a fervid hope that he should be able to achieve much good for the people and their sovereign; that his plans proved to be useless so long as it was believed they could be frustrated by corruption at the Presidency; that the vindication of the purity of the British name thus became one of the earliest and most imperative of his duties; that he failed in convincing the people of Baroda that the Government of Bombay could not be bought; that occurrences which strengthened the native belief are detailed in his Khutput Report; that that Report did not awaken the Government to the necessity of giving aid to the vindication of their character; that soon after the delivery of that Report he was removed from his post; that he believed he was following out the policy which had been marked out by former Governors, and which remained unchanged on the records; that while his Report necessarily dealt with strong and disagreeable facts, he endeavoured, both by himself and by the aid of experienced friends, to divest them of everything which could be deemed offensive or disrespectful; that if he had failed in doing so, he begs it may be attributed "to its true cause, a strong sense of duty, and an inability to soften without diluting truths, which he deemed it his bounden duty to present in unweakened force."

1319. The Governor recorded his sentiments on this memorial, on 28th February, to the following effect: He recapitulates in brief Colonel Outram's statements; admits Colonel Outram's former services and merits; says that the state of the hill

country of Baroda, fifteen or twenty years ago, has nothing to do with the present question; that whatever the corruption at the court of the Gaekwar, we had nothing to do with it; that the Resident's duty was mere advice, the effect of which must be derived from moral weight, without the exercise of active control; that, at any rate, he ought to have consulted Government, without whose authorization, for all his acts, he had no power; that his Khutput Report will be considered in due time; yet that it was not for that Report he was dismissed, but for the letter accompanying it; that Colonel Outram makes an inadmissible distinction between appealing against his removal and appealing against the reasons assigned for it; that the Government were under no obligation to render a reason to him at all; that the whole is now to be left, as it safely may be, to the judgment of the higher authorities; and that if Colonel Outram and his friends tried to divest his reports and letters of everything disrespectful, they did not succeed.

1322.

To this Mr. Blane (28th February) adds, "I consider Lieutenant-Colonel Outram's removal to have been forced upon us by his persisting in proceedings dictated by the sentiments evinced in the letter attached to his Khutput Report, and not solely by the inditing of that letter."

Mr. Bell "most fully concurs."

23.  
26.

These various documents were sent to the Court on the 3rd February and 15th March, 1852; the letters and summaries transmitting them added nothing to the expression of opinion or the statement of facts.

27.

The Court of Directors, on the 26th June, 1852, replied in a letter which, setting aside Mr. Blane's addition to the reasons for the removal (1322: 28th February), on the ground that Colonel Outram does not appear ever to have "persisted" in measures he had been instructed to discontinue, states that he had over-estimated his powers in supposing himself entitled to advise a native prince to dismiss his

minister on his own responsibility, and without reference to his own Government, and would have been liable to severe displeasure if he had done so \*;—that the general tone of his correspondence, and not exclusively the letter accompanying the Report, had no doubt occasioned the Government to determine on his removal;—that he had believed himself unsupported by Government in his exertions to detect corruption, and the supposition that his exertions were viewed with dislike, appeared to him to defeat his efforts;—that he had failed in respect to the Government in his correspondence;—that the Government ought to have called on him at an early period to retract improper expressions; and, “in conclusion, we give to Lieutenant-Colonel Outram credit for the zeal, energy, ability, and success, with which he prosecuted inquiries attended with great difficulty; and taking this view of the case, we express our hope, that when Lieutenant-Colonel Outram shall return to India, you will find a suitable opportunity of employing him where his talents and experience may prove useful to the public service.”

Reduced to their elements, four reasons are here assigned for the removal of Colonel Outram:—

1. That that officer pursued a course, in respect of corruption at Baroda and Bombay, different from that approved by Government.

2. That he had incorrect views respecting his powers as Resident, and had acted in pursuance of those views.

3. That he had embroiled himself to such an extent with the minister and other officers of the Gaekwar's Government, as to have lost the tact, calmness, and discretion necessary to the fulfilment of the duties of his post at Baroda.

4. That his language to the Government, his superiors, was disrespectful.

These reasons require examination.

Where a habit of dishonesty of any kind prevails, two courses are open in respect of it: 1st, to resist

\* Which he never did; he expressly *asked leave* so to advise the prince.

and expose it whenever it affects our own interests or proceedings; or, 2ndly, to bear with it, satisfied with the total result, although that result be diminished by this adverse influence. Colonel Outram, when he first went to Baroda, had nothing but the previous proceedings, as recorded in the office, to show him which of these lines of policy the Government had adopted; for it does not appear that he was officially informed of any change in the views of his superiors, if such a change had then taken place;—the only guide given to him by the Government was the spirit of the past transactions. If he had been apprized of a change, it might have been a question with him whether he would accept the appointment. Now, from the conduct of Sir George Arthur's Government, in the recent and notorious case of the Dackjee

1296-12. Dadajee intrigues, as well as from all that had previously taken place, it seems impossible to come to any other conclusion than that the established policy was that of tracing out and exposing corruption in all cases where it affected ourselves, and not the contrary one of conniving at and enduring it.

The chief error of the Government seems to have lain in not perceiving, or probably in being unwilling to confess even to themselves, the change in their own counsels which had really taken place. The evidence of such a change is to be found in the remarkable contrast of Sir George Arthur's letter of 18th July, 1843, with the minutes of Lord Falkland and his colleagues, dated 7th December, 1851. The former says, that as

1296. to the alleged insignificance of *reports* tending to cast doubt on the purity of the British character, "it is my duty to undeceive your Highness. The British Government is extremely jealous of its high character for honour and integrity, and its complete freedom from all taint of corruption; hence it regards the offence of Dackjee Dadajee as one of the greatest magnitude, its effect being to create a belief that justice was to be bought and sold, and that corruption prevails at the very gates of Government. It behoved Government, therefore, when his wicked ma-

chinations were discovered, to institute the most rigid inquiries, with the view of dispelling the false accusations he had disseminated, and, if possible, of punishing all parties implicated in the transactions." Sir George Arthur then proceeded to say, that he should lay the whole case before the superior authorities, and to advise the Gaekwar, most earnestly, to dismiss from his councils all persons concerned in these intrigues, and to reveal all he knew of them, as the best means of averting the possible extreme consequences of such attempts to represent the highest British functionaries, "as capable of being influenced in their official acts by pecuniary considerations."

1166. Lord Falkland, on the other hand, who had

before him, at the time, an accusation against the minister, of an offence not a whit less grave than that of Dackjee Dadajee, and related to the very same object,

1127, &c. —an accusation supported by evidence which would have ensured conviction from any British jury, and following upon others as serious as this, deems the possession by him of surreptitious copies of private minutes of Government, no ground whatever "for proceeding against him;" he thinks it not necessary to call on the prince, after the example of Sir George Arthur, for aid in obtaining additional information, but contents himself with saying, "it will at all times, I imagine, be extremely difficult for us to attempt to define the exact point at which the conduct of a minister acting (ostensibly at all events) in the interest of his sovereign, with whom we are intimately connected, becomes criminal towards us, by endeavouring, by indirect means, to make himself acquainted with our wishes and intentions."

Mr. Blane is equally ready to excuse the minister; and Mr. Bell, as usual, concurs\*.

\* It is only just to the Government to state, that at a later period they did enunciate somewhat different views; but this  
908-27. was after the Nursoo, Joitabae, and Khutput Reports had done their work, and much too late, either to guide Colonel Outram, or to save themselves, for it was after that officer's removal.



If, then, connivance, or, at least, quiescence, were to be the new policy, the change ought to have been made known to the Resident, before he was blamed for departing from the views of Government; and the more so, as such a change was one of the last a British officer, who had had long experience in dealing with the natives of India, would have expected.

Moreover, neither did Colonel Outram, at any time, hesitate to fulfil the wishes of the Government when made known to him, nor did he, in any one instance, go out of his way to seek occasions of contravening their policy. Whenever the powers which he applied for were refused, he dropped such of his plans as were dependent on them; and he certainly applied oftener and on smaller occasions than any officer would have done who felt himself supported by his superiors. So, also, every case which he followed up had first met him in the direct path of his duty, without his going aside to seek it. Nursoo was a public servant whose unfaithfulness came under his own eye and affected his own duties. Joitabae was under British guarantee, and had vehemently invoked its protection. Nafra's papers, seized in Joitabae's case, made the inquiries in the case of Mr. Andrews and of Nursoo imperative. The stoppage of the letters at the post-office was in consequence of information spontaneously sent to him; and so of all the rest. There is not a single accusation either officiously sought out, or beyond the duty of a responsible British officer. Colonel Outram had done nothing more than he was bound to do; only, however, with this to be said about it—an officer, content so to act, might have done it in form only: he did it in spirit. The first reason, then, assigned by the Government, is plainly contradicted by the facts, if Colonel Outram is to be judged either by the inherent proprieties of the case, or by the means he had of judging of the views of the Government.

The second reason, viz. that he held incorrect views of the extent of his powers as Resident, is justified almost exclusively by the following paragraphs in his

1281-14. letter transmitting the Khutput Report: "Had I been on those terms with my own superiors to which in former days I had the honour to be admitted, as well by the local as the supreme Governments, I should, at a very early date of my intercourse with the minister, have pointed out to his Highness the necessity, for the honour of his own Raj, of selecting another adviser; in doing this, I should have done no more than any other Resident in India, in a similar position, would have deemed himself justified in doing. I should have been rendering an essential service to the Gaekwar, and I should have diminished that intrigue and corruption which tends so much to compromise the character of the British Government in the eyes of the natives.

"But I felt keenly that I was not admitted to that confidence and kindly consideration on the part of Government which it was once my honour to enjoy. I feared that my conduct might be censured, and that my recommendation might be unsupported; and in such a case I was well aware that intrigues would multiply, and attempts be made to involve me in a dispute with the Durbar, with a view to lead to my removal from a post where I am a source of inconvenience and alarm to the traders in corruption."

These expressions and those of the following dependent paragraphs, which are no stronger than these, the Government interpret to mean that Colonel Outram believed himself endowed with an independent power; and it is somewhat strange, considering the natural construction which the words evidently bear, and the general fairness with which the Court of Directors have treated the whole controversy, that that body should have admitted this charge into the slight and qualified censure with which they accompanied their acknowledgment of Colonel Outram's merits in this particular service.

27-6. The real sense of the passage is easily shown.

It is clearly understood in our Indian policy, that the influence of a Resident of ours at the Court of a native

prince is to be exerted, in ordinary circumstances, and always in the first instance, only in the way of seasonable advice, enforced by such moral weight as the character of the Resident, and of the Government he serves, can supply. The object is, to render all acts both really and ostensibly the acts of the native Government; and only to prevent mistakes or suggest good measures by the quiet and private influence of the Resident, his influence being guided, of course, in its exercise, by the views of his superiors. Lord Falkland

1321-10. expresses the same thing in these words.

“The British Resident is not placed at Baroda as a governing power, nor is it consistent with his duty to interfere with the actual Government of the country, further than by exercising a personal influence, which may enable him, without direct and visible interference, to sway the councils of the Durbar for the benefit of the people and the interests of the British power which he represents.” Only when the native court is bent on measures prejudicial to its own interests, or to ours, and will not listen to the Resident, is the Government called on for its interference; an interference necessarily official and peremptory whenever exerted at all.

But the Resident cannot suppose his mere advice will have any practical effect, adversely to the inclinations of the native Government, unless he can rely on the Government he serves for the adoption both of his advice and of all its consequences, if necessity should arise for a formal appeal to their authority.

Now, Colonel Outram plainly tells the Government of Bombay, in the extract above given, that he could not venture on the first premonitory step of privately advising the Gaekwar to dismiss his delinquent minister, because, judging from their own recent acts, and not a few of them, he could not rely on their ultimate support of him in doing so; and because, if they disavowed or counteracted that advice after it was given, matters would be in a worse condition than before. He then goes on to say that he has met this difficulty, for the time, in the best way he could; he urgently

asks from the Government the needful authority to make this recommendation, with the security against counteraction to be derived from an assurance of their concurrence; and he finishes by saying "that should Government not concur with me in this view of the case, I shall respectfully submit to their decision; for I feel that it is my duty to remain at my post, one of difficulty as well as of danger as it is."

So far, then, from this being a declaration that he possessed any independent authority, it is an express avowal of deference, carried further than any other Resident in India would have carried it, in a case where, as here, such a Resident might see that the prince's own interest, independent of ours, was involved in the measures he intended to recommend.

The real offence of these paragraphs probably lay in the opposite direction, although the Bombay Government might be but obscurely aware of the nature of the impression made by them on their own minds. They expressly lay the state of things at Baroda, in as far as no effectual remedy for it was attempted, at the door of the Bombay Government itself.

The third reason assigned for the removal of Colonel Outram is, that, while labouring under his avowed impressions, as to the corruption of the native Government at Baroda, and the want of support from his own Government in combating it he was likely to experience, "he

1286-7. could not possess the tact, calmness, and discretion indispensable to the maintenance, on a satisfactory footing, of the political relations of this Government with the Baroda Durbar, and that much embarrassment would ensue if he were permitted to remain there."

It was easy for the Government, in the comparative quietude of Bombay, to set up a standard of "calmness" altogether unfit for the very different circumstances of Baroda. It requires but little discernment to see that whoever may, at any time, make much impression on the corruption of that city, by any kind of means left in the power of the Resident, must do so by an

energy as little compatible with a reputation for calmness, as that here ascribed to Colonel Outram; and the happiest thing of the kind that can take place will be, that some man should chance to be appointed, whose just indignation at what he must necessarily witness, should be so combined with "tact" and "discretion" as to give him the means of carrying some sense of right and wrong, or, at least, some dread of retribution, as far as we are bound to interfere, into that far-gone city. Be it remarked, however, that it is not said that Colonel Outram has ever been actually deficient in either "tact" or "discretion," nor would it be easy to find proof from his acts that he had been. It is only said that he must be so; and because it is so inferred, he is removed: and, more strange still, in Lord Falkland's minute, on the Joitabae Report, dated but a fortnight before the removal, that nobleman, the Governor, 411-114. expresses "his admiration of the extraordinary skill and patience displayed by Colonel Outram, in investigating the obscure and secret conspiracies which are the subject of his Report, in baffling native intrigue on its own ground, and in unravelling, with much ingenuity, if not always successfully, the frauds, perjuries, and mass of extraordinary depositions" which had occupied and polluted the three previous years. Surely the qualities which form the topics of this eulogy are altogether incompatible with the want of tact, calmness, and discretion alleged a fortnight afterwards as the reason of removal; and if this refers to proceedings then some time past, those proceedings were of a kind quite as likely as those which followed, to exhibit any real want of the necessary qualities of a Resident, nor were those later proceedings any other than such as might be expected from a beginning like the Joitabae investigation.

The particular practical difference which drew this remark from the Bombay Government was Colonel Outram's proposition to call for the removal of the Gaekwar's minister. To this the Government made two untenable objections: 1st, That Colonel Outram

advised it only because he had “a bad opinion” of the minister, while, however, he had “not brought  
 1285-3. specific charges, even assumed to be capable of proof, against him;” 2ndly, Such a measure, when directed against “a compliant and unoffending ally, could but be regarded as a most wanton and tyrannical aggression” on the “independent sovereign and friendly neighbour, at whose court Colonel Outram was Resident.”

Now, although it is true that in the particular letter then under review, Colonel Outram did not bring specific charges against Bhow Tambeykur the minister, it surely ought not to have escaped the Government that the Resident’s letters and reports had, for a long time, been full of charges against him—some very explicit, and others clearly implied. From amongst more general accusations, we may take the following as too precise to be deemed insufficient for further action, and too important to be easily forgotten:—

1. An attempt to bribe Mr. Malet and Colonel Outram himself for the abolition of the Guzerat Horse,  
 1127. sent in with ample evidence on the 23rd  
 1148. November, 1851; followed up and confirmed on the 2nd of the next month.

2. An intrigue to effect the same object by bribery in Bombay; in fact, a repetition of the Dackjee Dadajee intrigue. This was stated and pursued, with offers of evidence and suggestions of measures for obtaining further evidence, in communications of the four following dates:—13th October, 1851, para. 18, page 1101; —8th November, page 1125; —2nd December, paras. 2, 3, 4, and 5, page 1167; and 13th December, page 1143. The last document, indeed, was sent in after Colonel Outram’s dismissal, but it is fairly included here, since it refers to an investigation which, in the  
 17-8. words conveying the censure of the Court of Directors, “was arrested *in limine*,” but which would otherwise have amply convicted the minister. The first three communications are, however, quite sufficient for the present argument.

3. The conspiracy to ruin Joitabae Settanee, a lady entitled to British protection. This conspiracy extended to the members of the Gaekwar's governing body; the minister was the chief of that body, and without him nothing could have been done. These things were asserted over and over again by Colonel Outram, in his papers and in his final Report on the case; they were even fully admitted at length by Lord Falkland, in his minute of 10th November, 1851—a fortnight

411-115. or so before Colonel Outram's dismissal,—in the following words: "The task" Colonel Outram "undertook to perform, may indeed be termed an extraordinary one. Once persuaded that Joitabae's tale was true, and that she was the victim of a foul conspiracy, he has, alone and unaided, stood by her; has opposed the active machinations of her powerful enemy, deriving a strong support as they must have done from their success with the Acting Resident, and through him with this Government; has openly met the secret hostility of the Baroda Durbar (for the Gaekwar himself, however well meaning he may have been, has been evidently and wholly passive in the matter); and, finally, he seems to have unveiled and exposed the domestic treachery of the Native Agent, which would appear to be but too clearly established by the facts and reasoning of this Report." It must be observed that the "Baroda Durbar," *i. e.* the Gaekwar's governing body, could not have been concerned in any "conspiracy" or have indulged in any "secret hostility" without its chief, the minister.

4. The oppressing and intimidating of the witnesses against Nursoo Punt, when the case of that native official was investigated by Mr. Commissioner Frere. Several distinct acts of oppression were stated by the Resident to the Gaekwar personally, (June, 1851,) and afterwards reported officially to the Government of Bombay, who acted on the Report. 1005. Let it be remembered, this was a charge, with circumstantial instances, of an attempt to obstruct justice in

an inquiry into the conduct of one of our own subjects, confidentially employed by our own Government.

1101. 5. The systematic corrupting of the Bom-  
1163. bay Secretariate, proved by means of the  
letters seized at the Baroda post-office and  
other evidence.

6. Besides the above, which were stated with distinctness equal to that on which Colonel Outram was called on to frame charges against Nursoo Punt, there was another and last accusation, which Lord Falkland singularly enough made the means of ignoring all the rest. In his letter of 31st October, 1851,  
1282-22. that which accompanied his Khutput Report, and was made the ground of his removal, Colonel Outram explicitly charges the minister with proceedings hostile to his investigations; he says he can prove the facts, but he will not do so while that minister remains in power; because, however the witnesses may be able or willing to tell the truth if left to themselves, they will not do it if left exposed to the minister's vengeance by his remaining in power; nor did he feel himself justified in calling on them to incur the risk. This fear, we may remark, was not only reasonable, from what the minister had already done of the same kind, and such as universal experience in the East would inspire, but it was in this case made more intense and efficacious than usual by the unanimous belief, at Baroda, that Colonel Outram was acting in opposition to the secret wishes of his own superiors, and would soon be set aside, or in some way deprived of power to protect any witnesses he might call. These considerations were so much the more urgent, as they applied to subjects of the Gaekwar who had no British guarantee, and who were therefore exposed, without remedy at our hands, to any degree or kind of intimidation or revenge the minister might choose to employ.

The avowed indefiniteness of accusation and withholding of proof, which clearly applied only to this last charge, were made by Lord Falkland and his colleagues



to apply to all those which had been advanced before, of which proofs had been pressed on them for weeks, and in some cases for months, together. If it be not fair to say that this was a trick of the Government, let it at least be admitted, that some officer should be accountable for reading up their papers for them, in order that errors so glaring as this may be prevented.

The practical weight of this allegation, that the Resident called for the removal of the minister without distinct charges, was made to fall on the fact it was adduced to prove, viz. that the Resident was embroiled with the Gaekwar's Government. But taking the word Government in the sense of the governing body, without including the prince, it is important to ask, whether any man can fulfil the duties, or ought to occupy the post, of Resident at Baroda, without becoming embroiled with such a minister and Government as Colonel Outram found there? We venture to affirm, that the difficulty arising from being on ill terms with the Durbar was much more chargeable to the Government, which failed to end it by supporting the Resident in the discharge of undoubted British obligations, and equally undoubted duties of his own, than to the Resident, who laboured to fulfil both one and the other, at the necessary risk of the embroilment.

2. The other reason of the Government for objecting to the proposal to require the dismissal of the minister is equally unfounded. That dismissal, which treaty authorized us on occasion to require, would have been as real a relief to the Gaekwar himself, as to any of the victims of oppression, his subjects. The sources of the minister's power were his own natural strength of will, his close connection with the party of bankers and others, who, as Captain French had said, ruled the Gaekwar's Government; but far more than all, the Gaekwar's confirmed belief that his minister had a great secret influence at Bombay. Nothing could have so strengthened the prince's persuasion and have so straitened his bondage, as to learn, through secret emissaries, that, after all the accusations and proofs sent

against his minister to the Government of Bombay, that high but (to him) suspected authority had determined to let him remain. Had the minister been removed at the behest of the Bombay Government, the Gaekwar would have rejoiced in his own liberation, while the British character would have been vindicated, and the Khutputists, for a time at least, disarmed.

Nor let it be overlooked that the offences charged against the minister were precisely of the kind which Lord Falkland said would have been considered, by the Government, to justify them in calling on "their compliant and unoffending ally,"—"the independent sovereign and friendly neighbour," the Gaekwar,—“to dismiss his obnoxious servant, and to conform

1309-5.

to the advice of the British representative in appointing another." For, as we have already seen, they were just such "as to compromise our interests and those of his prince, and to endanger the welfare and safety of the Gaekwar State," to the greatest extent that the position of the minister permitted, by any means short of actual hostilities. They were offences against that integrity and good name of our own highest officers which are the very foundation of our power; they were desperate attempts on the security, wealth, and life of persons we were bound to protect; and they comprehended the actual corrupting of our own native civil officers, and the defeat of justice when the conduct of those officers was under investigation. As if, too, this was not enough, this minister was charged with effecting much of it through the debasement of the Gaekwar's own courts of justice. Now surely nothing could be more inimical to the continuance of the Gaekwar's rule, than to show it to the public of England in the character of a Government so thoroughly demoralized that our protection, on which its existence depends, could no longer be afforded to it without our perpetuating the most revolting wrongs. The danger in which the minister thus placed his prince, was, indeed, far greater than his offences against ourselves.

We pass now to the last reason assigned by Govern-

ment for this removal of their Resident, viz. the want of respect in his language to them, more particularly  
 1284. in his Khutput letter, but also in his other correspondence. In this they are supported by the Court of Directors, with however the most important reservation, that reproof and a call  
 27-9. for retractation at an early period would have been the proper remedy, and not dismissal.

Mr. Blane attributes this disrespect to Col. Outram's vexation at the erroneous censure by the Government, of his early complaints against Nursoo. But that officer  
 1377. had used quite as strong language, years before, on the escape of Khutputists, when there had been no previous censure to bear the blame of inspiring it, and when he had not yet acquired a reputation on which he might rely for obtaining credit for his views against the preconceptions of Government; but then the Government of Sir Robert Grant, to which that language was addressed, was so occupied with public views as to give little heed to the incidental irregularities of an "honest" care for the purity of the British name; and accordingly Colonel, then Captain, Outram was neither censured nor removed. It is, however, still more remarkable that in this very matter of Nursoo's misconduct, adduced by Mr. Blane as the  
 1426-1. stimulating cause of this disrespect, Colonel Outram, not many months before, had shown his desire to say what his duty bound him to say, in the softest terms the case admitted, by withdrawing disagreeable expressions when he saw that his public objects were likely to be accomplished without them. It was only at last that energetic, perhaps irregular, remonstrances, required by facts still more galling than they, were forced from him by continued frustrations of his efforts to vindicate the honour of the service, and by sickening denial of the support of his own superiors against the corruption which openly boasted of having bought them\*. But why was Government so sensitive

\* The Government frequently say, in their later minutes, that they *did* give Colonel Outram due support; but they never show when and how they gave it. Now, to say nothing of the *manner* in

to the strong language of their own officer, when still stronger was constantly applied to them by the public press? why care so much for that which need not have passed beyond their own knowledge but for the treachery which he combated in Baroda, and they let alone in Bombay?

Here, again, we may ask, was it possible, consistently with his duty, for Colonel Outram to make such statements as he had to make, in a manner not liable to be mistaken for disrespect? He had to show his superiors the consequences of errors they had fallen into for years together, to exhibit the corruption which had fattened in an important native State on their imputed corruptibility, and to describe the grievous oppressions

which important cases were disposed of, let the effect of the following instances of *delay* be considered.

1. A charge of fraud against Hurree Bhugtee's Bank, reported 30th July, 1850, was not replied to at all by the Government up to the date of Colonel Outram's removal, sixteen months afterwards. This is one of the cases in which the Resident had appealed to the Court of Directors; the papers were sent to the Court after a delay of thirteen and a half months, when appeal was practically useless.

2. Nursoo's complicity with Nafra's attempted fraud, re-stated by Colonel Outram to the Government, 7th September, 1850, with an earnest request, on public grounds, for early consideration, and an alternative appeal to the Court of Directors; not replied to at all before fresh statements forced on the trial and conviction of Nursoo; nor sent to the Court of Directors before February, 1852—a delay of seventeen months.

3. Nafra's attempt to bribe Soorujram was reported 10th July, 1850, and was never replied to. It was reported to the Court seventeen months afterwards, that is, a week after "the removal."

4. The case of Mr. Andrews was replied to subsequently to his death, after eleven months' delay, that is, five days before "the removal," and was sent to the Court at the same time.

5. The case of Joitabae was replied to after eight months' delay, and was sent to the Court at the same time, that is, a week after "the removal."

These are only instances which might be easily extended, both as to the withholding of supporting decisions from the Resident, and the long-delayed transmission of cases to the Court, in which Colonel Outram had expressly appealed to that authority. It has already been shown that the mere inaction of the Government (suspected, as it was, by the people, of Khutput tendencies) was quite enough always to discourage and often to defeat justice. It might amply excuse any outburst of "honest ardour," even in the unwilling form of constructive disrespect.

which had been ventured on through reliance on the oft-tried support of that corruption. Surely the utmost ingenuity of official complaisance might be held excused in failing to deal acceptably with such a theme; much more, may he be held blameless who has to speak of it from the midst of its harrowing results.

We need not here pursue the remark that the capability of quiet and calculating thought, however precious for its foresight and its grasp, is but one of the twin qualifications for great services, of which the other is the ardent, outbursting energy of moral principles; and that he who in such services tames down all his agents to the chilling accuracy of the one, fails just as surely as he who precipitates on unconsidered obstacles the fiery undisciplined strength of the other. Colonel Outram's defence, however, does not need the aid of this principle; for be it observed, there is no disrespectful passage actually adduced from any paper dated previously to his removal, except his statement, that he was at one time so discouraged by the want of support from the Bombay Government, as to have wished and endeavoured to place himself under the orders of the supreme Government of India, a wish afterwards abandoned. The charge of disrespect is mainly made out in this way: Colonel Outram states facts and advances arguments which, if true, lead to the inference that this Government is unworthy of respect; he says he believes them to be true; therefore he has, in fact, no respect for the Government although he does not say so in words. This summary statement of the question would of itself be defence enough against the charge of disrespect.

Let it be admitted however that, in the “honest ardour” with which Lord Falkland himself says Colonel Outram prosecuted his anti-Khutput efforts, he had failed of the conventional respect which highly-organised administrative bodies require from subordinates to superiors, and that in consequence it had really become necessary to displace him from his post,—even then the question is changed by but one remove. It is then to be asked, in a court far higher than that

formed of the official circle in which the debate originated, who occasioned that necessity? The subordinate may be sacrificed to an artificial exigency of office; and yet the superiors may suffer the vastly heavier condemnation of having both failed in their own proper duty, and of having so failed in it as to destroy the utility of their worthier agent besides. It would not close the question to show that Colonel Outram had been guilty of disrespect; it would only carry the whole case to a new and more searching investigation in the light of public opinion; and the withering sentence awarded, if found guilty on such a trial, is not the less surely executed because no constituted voice proclaims it. The materials for such a trial are before the reader.

If we now attempt to account for the removal of Colonel Outram, by considerations more accurate and sufficient than those supplied by these official papers, it is not with a view to charge the members of the Government of Bombay with insincerity. The best observers of their own feelings can rarely tell with perfect exactness, on any given occasion, from what motives they act; and, in an exciting crisis, the real causes of the movement are commonly hid by the dust and turmoil from the chief actors themselves.

Let us briefly recapitulate the events of a few months, and those principally of the last few weeks.

Official Reports had been coming in from nearly all other parts of the Presidency, affirming the general prevalence of this belief in their corruptibility. Mr. Andrews had just died, suffering from, if not killed by, the anxiety following on the finding of Nafra's memorandum. Nursoo, their long cherished favourite, had just been convicted; the cruel wrongs of Joitabae, whom they had long despised, had been exposed; Nafra, whom they had latterly regarded with little or no disfavour, had been shown to be a monster, and was in reluctant chains; Nafra's enormous plunder of the bank had just been officially reported; Furkey, whom they hated, had just been shown to have been maligned and injured for years together; the rank untrustworthiness

of their own Secretariate had just been established; the minister of the Gaekwar had been shown to be deeply involved in corrupt conspiracies; every new fact was a new proof of their own errors; the frightful consequences of their errors were brought to light by every Report; the Court of Directors adopted, in general, the views established in those Reports, as far as they had yet been submitted to that authority; to form the climax, Colonel Outram brought home distinct evidence of arrangements for systematic corruption, so extensive and so long sustained, that assuredly nothing but past experience of success would be alleged by the public voice to have kept them up. He sent them a Report, in which the history, encouragements, and apparent success of corruption were laboriously traced, and its consequences charged on the mistakes of Government itself, through inferences which could only be parried by resentment on mere official and conventional grounds; he transmitted to them revelations which, however vaguely supported, were sufficient to affect reputations very near to their own; and he told them that much more (how much or what they did not know) was already within his grasp, waiting only their own authority to receive it.

Here then was a crisis; the whole fabric of their beliefs and prepossessions had broken down: a great and undefined danger still further threatened their own credit, and, possibly, the course of the policy committed to them. Nothing could stop the torrent of disclosures, true or false, surmised or substantiated as they might be, but the removal of the officer who, although ever within the line of his duty, would not let the subject rest; and Colonel Outram was accordingly removed.

The minutes of the different members of the Government bear marks of the state of feeling at the time. Colonel Outram's course is attributed to personal dislike of the Gaekwar's minister; 1282.  
1285. then to the "instigation of Baba Furkey and other wily intriguers;" and then, when Furkey's clear acquittal permitted that phrase no

1312. longer, to resentment at the treatment he received from Government in the cases of the Gorajee Pol and of Govind Row Gaekwar. The "honest ardour" attributed to him by the Governor is a "monomania" and a "Quixotic design" in the mouth of Mr. Blane. Surely these shifting accusations are much more consistent with the flurried state of mind supposed, than with the calm consideration of the case, and the clear view of its relations which befitted a Government displacing one of its most important agents.

The effect of this "removal" on the professional and official standing of the distinguished officer who was the subject of it, is too obvious to need remark here; nor is this the place to descant on the loss to him, *for only doing his duty*, of the dignity and emoluments of a station conferred on him as the reward and attestation of a life of most remarkable public service. It is, moreover, a wrong done him, which no public judgment can redress, that efforts sincerely intended to vindicate the official purity of his fellow countrymen ruling India should have been so met as to convert friendships into enmities, and to embitter life with unsought and most repugnant disagreements. The true estimate of his proceedings at Baroda will, however, easily be formed by disinterested judges; and whoever may review hereafter the course of the British power in India will have to point to this struggle as one of those by which that rule was purified and so confirmed, or its downfall accelerated and foreshadowed.

The person to complain of permanent and irremediable injury is Mr. Reid, however little the pamphlet issued by that gentleman while these sheets were at press may exhibit any present sense of the true magnitude or nature of the infliction. His name is associated in one way or another, with several cases of Khutput both of earlier and later date, which are given in Colonel Outram's Report, and in these pages; unfortunately, also, the positive interference of Government stopped on two different occasions the examination of two different agents, Joteslwar and Govind Row Roria,



through whom alleged communications with Mr. Reid had been carried on. The first of these was a direction not to examine papers fairly in Colonel Outram's power, and, consequently, a removal of the only inducement to the confession, which was righteously exacted of their owner; the second was a refusal to give a needful assurance of protection on telling the truth. Now although they who know Mr. Reid will reject the inferences to be drawn from these facts with a decision and confidence proportioned to his established character, yet the future Mill of our Indian history, as well as the bulk of our contemporaries, cannot possess this advantage in forming their judgment on the case. Many a man has been "damned to everlasting fame" on evidence less plausibly conclusive than this. The injury to Mr. Reid is, that this process of investigation, cut short just where it was of vital importance to himself, can never again be resumed, with any probability of arriving at the truth.

Still more important, however, is it to estimate the effect of the removal on the native mind. It has been shown in these pages that every native official charged with corrupt practices had all advantages of tardy and precise accusation, of legal defence, of a careful if not partial review of the evidence against him, and, in case of conviction after all, he had the further advantage of the most lenient sentence which circumstances would permit. On the other hand, the persistent denunciator of corruption, after seeing every one of his native assistants shamefully persecuted, was dismissed on charges neither precise, nor carefully considered, nor supported by evidence, nor after defence called for, nor even sufficient, under the circumstances, to warrant the measure, had they been true; but merely on a loose and mistaken allegation of that want of concurrence in the feelings and purposes of Government, which, on the supposition Government were honest, he had repeatedly urged in vain as a sufficient reason for the discharge of dishonest political servants. Let it be remembered that all this was as well known

in its detail in the offices of the native Government at Baroda as in those of ours at Bombay, and that it fell on minds already possessed with a full belief in the efficacy of Khutput; we may then judge what were the opinions which had been formed before Colonel Outram turned his back on the scene of his ungrateful labours.

Colonel Outram was dismissed ostensibly in consequence of the letter accompanying his Khutput Report; the Report itself was reserved for future consideration.

1509. On the 29th of April the Governor recorded

a minute, in which, after describing the different sections of the document, he remarks that its general tenor is a series of charges against all Governments of Bombay for twenty years past; that he attributes, in no slight degree, the general belief in the efficacy of Khutput to the acts of the Government itself; that he, the Governor, does not agree in that conclusion; that everything has been reported as it occurred to the Court of Directors\*, by whom the Government of Bombay is content to be judged; that as Colonel Outram has not impugned the integrity or honour of the present or any former Government, the whole is resolved into differences of opinion between the Government and its local officers, in which the Government, as it had a right to do, took its own course; that such differences did not justify Colonel Outram in attacking the Government; and that his having so attacked it without justification was a proof of his unfitness for his post; that the guarantees given by us to subjects of the Gaekwar ought not to be so interpreted as to infringe on that prince's just authority as secured by treaty; that the guarantees have nothing to do with transactions between parties in the Baroda State, but only protect certain Gaekwar subjects against oppression by the prince†; that he, the Governor, had

\* See, however, note, page 137.

† This is hardly consistent with their urging Colonel Outram to report on Joitabae's case in its early stages, or with their participation in the appointment of a manager for Hurree Bhugtee's Bank, and the taking of securities from him.

given assurances to the Gaekwar's agent, of suitable apologies for the misconduct of Mr. Andrews' native officer; that he, the Governor, viewed the "disparaging insinuations" against Mr. Reid, with "the utmost dissatisfaction," and that the best way of vindicating Mr. Reid's character might well be left with the Court.

1512. Mr. Warden, a temporary member of Council, who had just joined it, deferred his intended remarks "on the great impediment to good government which this Khutput presents," and hints that Colonel Outram had apparently drawn the distinction between the natives' belief respecting Mr. Reid and his own.

1513. The Governor, Mr. Blane, and Mr. Bell, then express their pleasure that Mr. Warden is to give them his thoughts on Khutput; say that Khutput, in one form or another, prevails everywhere, both east and west; and refuse to admit that Colonel Outram does not suspect, along with the natives, the corruptibility of Mr. Reid.

It will be observed that, in these papers, the Government evade the real questions, viz. whether the acts of the Government, for a series of years (justifiable on other grounds or not), had been of a character to impress the natives with the belief in the corruptibility of the Government? And whether Colonel Outram was justified in laying before Government the proofs he had accumulated through years of official life, that such had been the effect of their acts? The separate and entirely subordinate question, whether he had performed that duty in a manner respectful towards themselves, they settle in these last papers, as in all their preceding ones, chiefly by assumption, without once considering whether his failure, if he had failed, was not under the circumstances quite venial, or whether the vast weight of the subject-matters of discussion ought not to have led them to postpone, till they were settled, all questions which could possibly be deemed personal to themselves.

It is to be remarked that Mr. Willoughby, who was

in Council during the first part of the time, Sir John Grey, the Commander-in-Chief, and Mr. Warden, who came in late, avoid committing themselves to the opinions or acts of their colleagues. These bystanders probably saw the game more truly than those who were involved in the excitement of playing it\*.

21. In this state the closely-connected questions of Khutput and of Colonel Outram's removal were (29th November, 1851), sent to the Court of Directors. The Court, answered

26. 26th June, 1852†, that they had not yet received the "Khutput Report," except from Colonel Outram himself; that they would consider it when it was officially transmitted; that Colonel Outram had misconceived the extent of his powers; that he had failed to express himself respectfully to the Government; that the Court regret an early opportunity was not taken of calling his attention to this failure, and of requiring its correction; that the Court gives him "credit for the zeal, energy, ability, and success, with which he prosecuted inquiries attended with great difficulty; and, taking this view of the case, express their hope that when Lieutenant-Colonel Outram shall return to India," the Government of Bombay "will find a suitable opportunity of employing him where his talents and experience may prove useful to the public service."

Here, as far as is publicly known, the question now stands. It is understood that the Reports of all the

\* It is but due to Mr. Willoughby to note, that on its being communicated to him early in 1838, that in Guzerat, where he had long resided, many people attributed the success of Khutput, in Bombay, to him, he avoided all participation in the affairs of that quarter, and only signed, for conformity of office, the papers prepared by others. His minutes, so long as he remained in Council, exhibit an evident desire to support Colonel Outram's investigations, and to promote the interests of justice, however they may occasionally dissent from Colonel Outram's mode of effecting those objects.

Mr. Malet, too, it should be remembered, is not always to be judged by the official papers in the Blue Books, which he had to sign in a merely ministerial capacity.

† See the annexed "Dissent" of Colonel Sykes.

officers to whom the Khutput circular was addressed, except one or two, affirmed the existence, in every district, of the same belief which Colonel Outram had so laboriously investigated at Baroda. Whether this belief be merely a continuation of that which prevailed all over India under its native sovereigns, or whether it be really kept up by secret occasional acts of corruption on the part of any of those entrusted with the high offices of our Indian administration, no duty can be plainer or more imperative than that of showing, by effective deeds, that the British rule is truly and essentially incorruptible. So long, however, as a Khutputist can point to the unredressed removal of Colonel Outram, and the unrebuked mistakes of the Bombay Government, words and regulations, be they as emphatic or as stringent as they may, will be all in vain; they will only be taken for a new screen to cherished, though shameful, abuse.

The materials for this extraordinary story have been derived almost exclusively from one single official source, viz. the bulky and misarranged volumes familiarly known as "The Khutput Blue Books." But what will the reader think when he is told, on uncontradicted authority\*, that Tambeykur, the Gaekwar's minister, not, however, minister by our official recognition, which treaty requires,—Tambeykur, proved to be the corrupter of our own native civil officers; proved to be the soul of intrigues for bribing our highest representatives; known to have been, and still to be, in league with a man branded by our own Government for corruption, and now suffering an ignominious punishment for atrocious crimes,—that this Tambeykur, who is credibly charged with being a traitor to his own prince,—that this Tambeykur, for opposition to whom Colonel Outram was removed in what was meant to be disgrace,—that this Tambeykur has been received by the present British representative at Baroda with honours given only to reigning princes? Is it

\* The "Bombay Overland Telegraph and Courier," of 17th December, 1852.

any wonder that the Gaekwar, sunk in the sensuality which seems to have become his refuge from inglorious inaction and galling thralldom, immediately ordered that the same royal honours should be paid to his minister at his own court, on witnessing this new and splendid demonstration to him, of the irresistible power of Tambeykur's "Khutput in Bombay?"

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## POSTSCRIPT.

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### REPLY TO MR. REID.]

MR. REID's "Letter to the Editor of the *Daily News*," in answer to the strictures of "Indus," was published while the foregoing sheets were at press. I sit down with extreme reluctance to the task that publication imposes on me. For Mr. Reid I have entertained great respect from September, 1845, the date of my arrival in Bombay on the preliminary investigations of the Great Indian Peninsular Railway Company which I had commenced in England. He was then in Council. His constant and earnest advocacy of public improvements, and the reliance I found I might always place on his best efforts to promote my public objects, afforded me reasons for entertaining sentiments towards him which such intercourse as circumstances have required since his return to England has not diminished.

In the reduction of the contents of the bulky and most disorderly Blue Books to some generally useful dimensions and form, I determined to admit nothing of a personal nature which was not in the Blue Books themselves. Mr. Reid accordingly appears in these pages with no greater prominence than in the original documents, and I should have been much better pleased if fidelity would have permitted me to sink his name altogether in more general designations. I may add that Col. Outram, for the part he has had in the preparation of this narrative,—that of mere occasional correction of misapprehensions,—has fully shared my views in respect of the treatment of individual names, and of Mr. Reid's amongst them.

How far Mr. Reid may have felt that his own defence necessarily required an attack on Col. Outram, it is not possible for me to judge. His pamphlet, however, does in fact contain representations at variance with those I have given

from the Blue Books, and it is chiefly by means of these differing representations that his strictures on Col. Outram are supported. Explanations are thus required of me, which I should gladly avoid but cannot. I shall endeavour to admit into them as little as possible which is not already public, but I shall not be able to keep this rule so completely as heretofore.

Mr. Reid nowhere denies the general belief of the natives in the venality of the Bombay Government, neither does he attempt to account for it, or to show how it may be corrected. He equally avoids defending the proceedings of that Government in respect of Col. Outram's removal. Nothing in his pamphlet goes to disturb materially the estimate to be formed of the main facts by which any general questions arising out of the case must be ultimately determined. According to him, no less than others, (page 24,) Baroda is "a vile sink of corruption," and the Secretariate of Bombay has long maintained a corrupt connection with Baroda.

The errors into which he has fallen, in so far as they affect his attack on Col. Outram, I will now try to show, quoting as far as possible his own words\*.

The following extract from page 9, refers to the Nagur cases:

1341. —"During two of the four years," (1835-1838,) Nar. 10, &c. "of their progress, I was absent at the Cape of Good Hope. Even when in Bombay, I was neither a member of the Government, nor Secretary of the department in which they were considered. I never was consulted in respect to them; nor, had I been so, could I have given advice, for I was ignorant of every particular connected with them, and am so to this day, except so far as I have very recently heard them spoken of, and seen them alluded to in the cursory view which I have taken of those parts of the Blue Book in which my name is not specifically mentioned."

The facts are these:—On 29th June, 1837, Col. Outram first reported his suspicions of Brijlal and Dowlutram, both subsequently convicted. On 29th September following, Mr. Secretary Wathen communicated the orders of Government for their trial in a mode opposed to the judgment of the local officers. On the 27th November Mr. Reid returned to Bombay from the Cape, and resumed his former office of Secretary. In January following Mr. Willoughby was

\* The references to the preceding pages of this pamphlet are distinguished by the letters "Nar." Those from Mr. Reid's pamphlet by "R.;" those from the Blue Book will be easily understood.

apprised, by a letter from Col. Outram, that the people in Guzerat attributed the favour shown these Nagur delinquents to their corrupt influence with him; whereupon he obtained permission from Sir Robert Grant to stand aloof from the cases which related to Guzerat, which cases, I am informed, rested thereafter with Mr. Reid, or his department.

1343-12. It was while they so rested that these delinquents  
 Nar. 14. escaped twice on contradictory pretences;—first,  
 R. 5. because the investigation to which their conduct

had already been subjected was not a trial but an inquiry, and then because it was not an inquiry but a trial. Mr. Reid says that ordinarily the Secretary drafts the minutes of the Governor. Did he himself do so in these cases? or had some Khutputted subordinate the opportunity of doing it?

Mr. Reid says, at page 8, that Col. Outram does not understand Mahrattée or Guzerattee, the languages of the court and people of Baroda respectively. What then? Col. (then Captain) Outram, no professed linguist, was selected, without his own solicitation, to tranquillise the wild districts in the north of Guzerat, then much disorganized and disturbed. He so succeeded that his work has remained unshaken to this day. Since that time all the world has seen his course—a course of political employment which always *sought him*. He was selected for the Baroda Residency with a full knowledge of his qualifications. There have been linguists whose acquirements have been useless for want of the higher requisites to their useful employment: there have been British rulers in India whose eminent qualifications have forced themselves into play, and into vast public utility, in spite of the great disadvantage of not having language at ready command. In any case, when a man has already done his work well, it is too late to find fault with his tools.

Page 14.—“But what should be especially remarked is “this:—of all the sweeping assertions of rumours to my “prejudice in Baroda, not one was noticed to the Government “while I was in India; not one was known to me until, after “the publication of the ‘*Chapters*,’ I read them lately in the “*Blue Book*.”

Mr. Reid returned to office as Secretary in November, 1837. He remained in Bombay as Secretary, R. 6. Member of Council, and Acting Governor until  
 Nar. 12, &c. 3rd March, 1849. Now, in 1838, Mr. Malet, and  
 1348. Col. Outram, as well as others, forcibly told the Government of the estimation as to venality in which the natives held them. The last-mentioned officer went twice to.



Bombay to urge the Government to take measures for eradicating this belief. During all this time Mr. Reid was the Secretary with whom the business rested. It is true these were, for the most part, popular accusations against the Government corporately, not as distinguished into individuals.

951-J.  
1023-46.  
Nar. 34.

But Nursoo's boast of Mr. Reid's favour was stated to Government in November, 1848, four months before he left India; and if the charge was conveyed in a pseudonymous petition, such as Mr. Reid contemns, it must be remembered that these very Blue Books show that such petitions often contain truth; in India, indeed, it is often the only form in which truth can at first appear. Mr. Reid left intimate friends in high office in Bombay when he came to England. In June or July, 1851, Col. Outram forwarded to Mr. Reid's intimate connections in England his "Statement of Facts" respecting Nursoo, and parts of all such papers as contained anything relating to Mr. Reid himself. Finally, Mr. Reid has friends amongst the Directors, through whom it would be strange if he was not informed of the reports sent home in 1852. Mr. Reid himself says (page 65) that Col. Outram told him, on his return to England in the summer of last year, that "he ought to be most thankful to him for bringing to justice the scoundrels who had made so infamous a use of his name."

Page 20.—The next extract relates to the anonymous letters to Mr. Reid and Mr. Willoughby, stating it would be to their advantage to favour Hurree Bhugtee's Bank in a dispute then before the Government.

"There was, as stated by the Chief Secretary, no clue what-ever to trace their origin. To Col. Outram, however, nothing was impossible. He at once 'had no doubt from whom it came,'—that is, the letter sent to my house; and he probably 'had no greater doubt in respect to that sent to Mr. Willoughby; although my name is here, as elsewhere, for obvious reasons, prominently brought to notice. He decides peremptorily that Baba Nafra had 'caused it to be written,' and 'treats this throughout as an indisputable fact. Now, even 'on this point, it is just as likely that he may be in error, as 'that he may be right.'"

The letter to Mr. Willoughby was dated 10th April, 1848, and was brought to his house by Baba Nafra's Gomashita, with a present of fruit, which is customary on occasion of natives from the country calling on high functionaries in Bombay. The fact was stated by Mr. Willoughby to Colonel

Outram as exhibiting Nafra's impudence. Mr. Willoughby circulated this note on the 17th July, 1850, as Mr. Reid states; but Mr. Reid does not go on to say, as the fact is, 1082. that Mr. Willoughby circulated it on occasion of 1217. a proposed inquiry into Nafra's corruptions, with Nar. 45. which this anonymous note could have had no connection but through Mr. Willoughby's belief as to its origin.

Pages 21 and 22.—Colonel Outram's letters of 31st August and 7th Sept., 1848, "contain no allusion to the fact, since " so prominently adduced, of Nursoo Punt's family connection " with Baba Nafra, the managing partner of Huree Bhugtee's " firm, and others at Baroda; of which, indeed, he tells us he " was not cognizant till about the middle of October, 1850. It " is somewhat strange that though Colonel Outram was Resi- " dent from May, 1847, he had not, till nearly three and a " half years subsequently, ascertained that there was any con- " nection between his native agent and any parties at Baroda, " although a former Resident in reporting to Government on " the anonymous petition of March, 1844 (to which so much " importance has been since attached), had stated the par- " ticulars of such connection."

Be it so;—then clearly Colonel Outram's strongly-expressed convictions of Nursoo's complicity with Nafra were not a mere prejudice founded on their connection, which he did not then know. Be it so;—but Government were informed of it (those particular members of the Government most likely to be impressed with a recollection of the fact, and Mr. Reid amongst them), who might therefore have been expected to regard Colonel Outram's early suspicions of Nursoo as better founded than he himself had supposed. Be it so;—but then, of the three years and a half which elapsed before he came to a knowledge of the fact, one and a half was occupied by his first stay at Baroda before he went to Egypt, and it was only in the latter part of that time, July, 1848, that Nursoo's conduct had given so much consistence to the suspicions he had begun to entertain some time before, as to lead him to anticipate anything more against him than what openly appeared. During the next period of more than a year and a half, Colonel Outram was absent from Baroda; it was the month of October following his return in May, 1850, that Colonel Outram first learned the extent and character of Nursoo's family connections, that native officer being in the meantime not at Baroda but at Ahmedabad, and Colonel Outram having therefore no further interest in him than

to exhibit his misdoings for the sake of future reforms. Be it so;—what, then, must be the condition of an establishment in which the intimate connection of the first confidential servant of the Government with the notorious and convicted chief and agent of a body of corruptionists long leagued together, could be concealed even for a month from the responsible European chief? and why was the constant favour of Government shown, as we have seen, to the members of such an establishment in opposition to the declared distrust of its head?

Page 22.—“When, on the 9th Sept., 1848, Colonel Outram forwarded Nursoo Punt’s application for permission to retire, and, in consideration of his eminent services, for some pension beyond what the ordinary rules awarded to him, he did so with his ‘recommendation.’ Not a word was then said of suspicion—not a word of warning to the Government not to decide on the request for extra pension till the case of Pol had been disposed of. It is clear that at that time Colonel Outram had no very strong opinion of Nursoo Punt’s guilt. He brought against him no distinct charge of criminality, and admits that all he desired was to get rid of him from his office, and this no doubt was all that his *protégé*, Furké, cared for also.”

Literally, something of this is true; substantially, the facts are as follows:—

156.

1848, *July*.—Colonel Outram, distrusting Nursoo, sought the aid of Furké in the Govind Row Gaekwar and Gorajee Pol cases.

981-D.  
1407-\*.  
Nar. 41.

31st *August*.—Colonel Outram took a deposition of Nursoo as to his conduct in one of those cases.

984-26.  
1405-30.

31st *August*. } Colonel Outram forwarded these  
7th *Sept*. } cases to Government, and in

both the letters he charged Nursoo with misconduct, as Mr. Reid himself says at page 21; and he did this so plainly and seriously that Government thought it necessary, in the following January, to enter on his full defence, Mr. Reid himself (page 29) writing the minute, afterwards adopted by the Governor, on which the exonerating despatch was founded.

9th *September*.—Colonel Outram forwarded Nursoo’s application for his retiring pension, and Mr. Reid is literally correct in saying that *in this particular paper* the Resident did not accuse Nursoo, or caution the Government, having done so only two days before.

12th September.—Colonel Outram left Baroda for Bombay.

18th September.—Nursoo petitioned Government to be heard against Colonel Outram's charges.

1849, 12th January.—Government replied to Colonel Outram's charges against Nursoo, as stated above.

And yet Mr. Reid says, "not a word was then said of suspicion," he himself having said only in the previous page that Colonel Outram had "noticed what he deemed his discreditable conduct," viz., "culpable collusion" or "gross neglect."

The "pension beyond what the ordinary rules awarded to him" was his claim on Warden's Official Fund, to which Colonel Outram had nothing to say. The "recommendation" was an ordinary matter of routine, seeing that not so much had then come to the knowledge of the Resident against this old and famous servant as prevented him from suggesting that Nursoo should have the benefit of any doubt the Government might entertain; nor indeed had Nursoo yet committed some of the chief offences which afterwards so ruined his long-established reputation.

Mr. Reid here and elsewhere alleges that Colonel Outram's object was to displace Nursoo as Native Agent, in favour of Furkey. Let this be admitted, although so put as to be somewhat beyond the truth. What then? The Resident's confidence, cordially given him at first, Nursoo had lost, through signs of his complicity with the Khutputists; Furkey had earned the hatred of those very Khutputists by his former success in exposing them. To retain Nursoo, as was afterwards proved, was to give these men access to all records, and the means of employing any kind of foul influence;—to employ Furkey was to place in this highly confidential post the man the least likely, from old animosities, to be won over to unfaithfulness. Colonel Outram's early estimate of Nursoo was shown afterwards to be correct. Furkey, at a later period, became so deeply involved in differences with the Gaekwar's officers, originating in the aid he had given to what should have been the cause of our Government, that Colonel Outram found it necessary to refuse his countenance to his being employed in Guzerat by either Government, and desired to obtain employment for him in his native country, the Deccan. I have not been able to find a sufficient reason for Furkey having so many enemies in official circles in Bombay. At first I supposed that his good qualities might be marred by disagreeable peculiarities of

manner, or some objectionable speciality of connection, private conduct, or circumstance; but I can hear of nothing of that kind, and the matter is left at present to rest on the disgraceful inference that he is hated in Bombay, as in Baroda, for having so well aided Mr. Malet and Colonel Outram in bringing some of the Nagurs to justice. Nor, since it has been so often thought worth while by his enemies to attack him by accusations, proved by our own officers to be based on perjury and falsifications, can we fail to conclude, that if he had been guilty of any real offence the same parties would have been eager to bring it to light. After all this, the credit in England of the British officials in Bombay clearly requires that their position towards Furkey should be explained. I assume that explanation is quite possible.

Page 25.—“I now learn from the Blue Book, that in March, 1844, a petition had been sent to Government against Nursoo Punt, which proved to be fictitious;—to such, I am sorry to perceive that Colonel Outram has an extraordinary partiality. I cannot say I did not see this petition, for I entered Council in that month; but it certainly made no impression on my memory, and I may conscientiously use, in reference to my knowledge of him in 1848, the words of Colonel Outram, ‘I never heard a word whispered to his disadvantage.’”

The minute on this petition, and the signatures to it, are as follows: it will be remembered that “D. Dadajee” was the chief agent of the great intrigues of the immediately preceding years, and of the “persons” Nafra is chiefly meant.

946-7.

Nar. 39.

*“Minute by the Honourable the Governor,  
concurred in by the Board.”*

“I observe that Nursoo Punt is connected with persons who were implicated in the case of D. Dadajee.

“It is to be regretted that Mr. Boyd did not ascertain and report this when he recommended him to be his native agent.

“Considering, however, the high character and respectability of Nursoo Punt, I do not think his connections with those persons should be held to be a disqualification for the situation, though Mr. Boyd must take care that the orders already issued for their exclusion from the Residency are strictly attended to.

“The above observations should be communicated to the Political Commissioner for Guzerat.

(Signed)

*“G. Arthur.”*

*“J. H. Crawford.”*

*“L. R. REID.”*

*“24th May, 1844.”*

Page 26.—The following refers to the letters of Colonel Outram, of the 31st August and 7th September, which charged Nursoo with misconduct, as said above:—

“ Seeing so deliberate a charge of delay in answering these letters brought against me, and being unable from the Blue Book to ascertain the real facts of the case, I was disposed at first to think that there might be some grounds for the imputation, and,—while most distinctly and unreservedly declaring that such delay, whatever it might have been, was no more than was usual in hundreds of instances, where matters requiring special consideration were allowed to lie over until time could be found, under the pressure of other business, to write upon them,—to disclaim all notice or design in not bringing the matter at once to a conclusion, so far as I was concerned, especially as there was nothing apparent on the face of Colonel Outram’s letters calling for extreme or unusual haste.”

This quotation compels me to go more fully than before into these cases; a wearisomeness of repetition for which I can only plead necessity.

The following are the facts, in order of date, with the authorities for them. The years are 1848 and 1849:—

*7th September.*—Colonel Outram handed up  
1405–31. these cases; drew further attention to Nursoo’s  
984. misconduct, and asked for lenient consideration  
Nar. 40. for him.

*12th September.*—Colonel Outram left Baroda,  
1390–47. in ill-health, to go to Egypt by way of Bombay.

*17th September.*—Colonel Outram arrived in  
1405–32. Bombay, and pressing offered any personal explanations which his Reports on these cases might be deemed to require.

*18th September.*—Nursoo petitioned to be heard  
959–20. against Colonel Outram’s representations; his petition was transmitted *privately*, and kept a secret from Colonel Outram, then and long afterwards.

*26th September.*—Nursoo’s irregular petition  
1244–11. was circulated to the members of Government.

*7th October.*—The Governor recorded a minute  
1245–13. in which Nursoo is *exculpated from Colonel Outram’s charges*, and is desired to retract his application for a retiring pension.

*3rd November.*—Colonel Outram sailed for  
1391–49. Egypt, having stayed in Bombay seven weeks;  
1405–35. having repeatedly pressed for decision in these

cases, he offered not only any further information deemed requisite, but to postpone his departure, if requisite to a sufficient explanation. He was always *told* the papers were in Mr. Reid's hands, which Mr. Reid himself now renders probable, by saying, page 30, that he wrote one (if no more) of the Governor's minutes on these questions. Nursoo's petition was still kept secret from Colonel Outram.

951-J. 20th November. } Government receive a peti-  
1014-24. 25th November. } tion which informs them of  
Nursoo's high boastings of Mr. Reid's corrupt  
favour, of which boastings Nursoo is afterwards convicted.

1082-6. 15th December.—The orders of Government  
issued on these cases, in which Nursoo was im-  
plicated, on minutes dated from the 20th November onwards.

1046-4. 21st December.—The petition of 25th Novem-  
ber, against Nursoo, circulated to the members of  
Government.

1061-34. 3rd January.—The date of the "Maurice  
Letter," which gave Nursoo exact information of  
the intentions of Government in his favour.

1245-14. 4th January.—The Governor's minute of 7th  
October, *exonerating Nursoo*, and desiring him to  
retract his application for his retiring pension, concurred in  
by the Board, and dispatched to Baroda. *On the*

1083-9. *same day*, Government sent to the Acting Re-  
sident, Captain French, for report, the petition of the 25th  
November, which apprised them of Nursoo's scandalous use  
of Mr. Reid's name; the Acting Resident returned for answer,  
after one day's inquiry, that no such man as the petitioner  
could be found.

962. 12th January.—The Government wrote a letter,  
the production of Mr. Reid (page 30), defending  
Nursoo's conduct in these cases, in matters of which he was  
subsequently convicted, and censuring Colonel Outram for  
distrusting him.

1245-14. 13th January.—Captain French reported that  
Nursoo did not then wish to retire; on which Go-  
vernment was pleased to permit him to remain.

The interdict against Nafra's entering the Residency was  
removed soon after, and in three months Joitabae's peti-  
tions were returned unread.

Nursoo, then, was acquitted, praised, and confirmed in his  
post without reference to his superior, who had complained of  
him, and who for seven weeks was standing ready to sub-  
stantiate his complaints. And although Colonel Outram's  
departure in search of health depended on the decision, and

was known to do so, Mr. Reid thinks himself at liberty to state only that there was “nothing apparent *on the face of Colonel Outram’s letters* calling for extreme haste.” All this time Mr. Reid was “on terms of intimacy” with Colonel Outram\*.

The petition of Nursoo was forwarded to Government in a manner so irregular, that had it come from any other person it would have been returned without notice. Now the pseudonymous petition of Jezram Hybutrow, of 25th November, noticed above, which was afterwards found under judicial inquiry to have stated the truth substantially in all other respects, says expressly that Nursoo declared, “I have the support of Mr. Reid, the councillor. *I have sent him a petition*, together with a memorandum of kulumbundee (instructions or particulars).” I believe Mr. Reid will not deny that this irregular petition was sent to him, and that, irregular as it was, he himself put it in train.

Mr. Reid disapproves Colonel Outram’s seeking investigation into these cases after he had officially reported on them, and calls his doing so a species of Khutput. Nursoo’s secret

\* In consequence of the statements of Mr. Reid, at page 32, Colonel Outram applied to the Court of Directors for access to the unpublished papers in the Govind Row Gaekwar case. His request was immediately granted, and he has thus been enabled to furnish me with the following extract from a letter of his own to the Chief Secretary, dated 30th July, 1850, which states the nature of his verbal communications to the Government at the time referred to. It will be observed that the Governor in his despatch, quoted page 160, agrees in the same representation; a matter, indeed, of which no doubt has been expressed, except by Mr. Reid. The extract is as follows:—“I cannot but express my deep regret that so heavy a charge as that of fraud having been brought against a firm enjoying the favour and protection of the British Government, *I was not called on* to amend my Report, and supply such explanations as might have been found necessary to the thorough understanding of the case. For this there was ample time. I remained in Bombay nearly two months after dispatching that report, prior to my departure to Egypt; during the whole of which period I was a frequent visitor at your office, and I was in constant communication with the members of Government” (of whom Mr. Reid was one). “And as you, Sir, must well remember, *I repeatedly declared that if there were the slightest doubts on the part of Government as to the commission of the alleged frauds, OR AS* REGARDED THE MISCONDUCT OF THE NATIVE AGENT (Nursoo) in reference to them, or the Gorajee Pol case, which formed the subject of my Report dated 7th September, 1848, I was ready to clear them up, to explain what was obscure, and supply what was deficient; nay, so anxious was I that truth should be reached, that I was ready *to delay my departure to Egypt, were such a step requisite for the due investigation of the case.* Such having been the case, and no explanations having been demanded of me, I was certainly astonished to find, on my return to India, that a transaction had been passed over in silence, which was to my mind grossly and transparently fraudulent,” &c. &c.



petition, however, was at least as far from rule, even on Mr. Reid's principle, as Colonel Outram's offer of further aid in the discussion,—with this difference, however, that Colonel Outram's representations were open and distinct, and not of such a nature as to preclude any reference to Nursoo which justice might require. Nursoo's petition was converted into Khutput by being *kept secret*, with an effect we soon shall see\*.

The pseudonymous petition was received, says the title to the translation, on the 25th November; Mr. Frere, 1014-24. in his judicial Report, says, on 20th November; probably his suppressed paper would show where it was during the interval. On the former date, it was passed to the department of translation, and was kept there nearly a month, that is, until after the cases in which Nursoo had been charged with misconduct by Colonel Outram had been disposed of.

But more than all this, the Governor *exonerated* Nursoo by a minute dated 7th October; while the Governor's earliest minute on the Govind Row Gaekwar and Gorajee Pol cases, in which Nursoo's conduct was questioned by Colonel Outram, is dated 20th November, six weeks afterwards. Mr. Reid himself says, page 31, "It is impossible to suppose the Governor could have written this, or that his Council would have concurred in it (it does indeed appear *when* they concurred), had they not all had under their consideration the whole of the papers connected with the charge of misconduct brought against Nursoo Punt, in the two cases submitted by Colonel Outram. This, be it observed, was about a month *before* Colonel Outram left for Egypt."

Now on the 15th November, 1850, that is, a year afterwards,

985-4. Lord Falkland says, of these very matters, "I may state that Colonel Outram's letter being in circulation at the time he was in Bombay, no advantage could be taken of the offer made by him to the chief secretary, as noticed in his letter, *as the decision of Government as to the guilt or innocence of Nursoo could not be anticipated*; indeed I have, in my minute of the 28th December, stated, in paragraph 12, that my opinion was *at first UNFAVOURABLE to the native functionary*, so that at the period to

\* There is here involved a principle of great importance in practical administration. When the responsible head of an executive department declares his entire mistrust of a subordinate, it is clear that if the superior authorities maintain the subordinate in his post, they relieve the executive head of all responsibility for the results. The question is too large for discussion here; but at any rate Mr. Reid's support of Nursoo, after the declaration of Colonel Outram's opinion of him, must have rendered the Baroda Residency establishment wholly inefficient.

which Colonel Outram alludes *I could not have supposed any further communication from him on the subject necessary.*"\*

That is, while the minutes and Mr. Reid show that Nursoo was exculpated in fact, although not in complete official form, on the 7th October; "*a month before Colonel Outram left for Egypt,*" Lord Falkland says, a year after, that he did not ask Colonel Outram's opinion while he was in Bombay, because the papers were in circulation, and the decision of the Government could not be anticipated; and moreover, although the minute of 7th October (afterwards concurred in on the 7th January following) shows that Nursoo was *already exonerated*, while Colonel Outram was yet in Bombay, Lord Falkland says he did not ask Colonel Outram's opinion, because it then seemed unnecessary, *his own opinion being then against Nursoo.*

In attempting an explanation of these singular contradictions, we must resort, in part, to Mr. Reid's own account at page 5, of the manner in which the Governor's minutes are usually prepared for him. It seems that "when a Governor himself possesses Indian or practical knowledge which enables him to propose measures without consulting any other party," he prepares the minutes himself; but when it is not so, or where the cases are not of extraordinary importance, "they are brought to him in draft for his consideration by the secretary of the department." Mr. Reid says, however, page 29, that in this case he wrote the minute himself, which afterwards became the Governor's, and was then made the foundation of the letter of the 12th January.

First, then, Mr. Reid receives and circulates an irregular petition from Nursoo, and a fortnight after he writes a minute wholly exculpating him of matters of which he was subsequently convicted on much the same evidence; and all this time, Colonel Outram, anxiously alive to the subject, and continually pressing it, was, by somebody or other, kept completely in the dark, and led to suppose the whole matter was delayed.

Although this conduct of Mr. Reid's is too much open to question, yet it exhibits nothing which might not have arisen from a sincere conviction in Nursoo's favour. But in looking at the conduct of the entire governing body of Bombay, we have to take all the events of the time together. The manœuvre, whether directed by principals, or managed by underlings in Nursoo's own fashion, of sly suppressions or postponements, seems to have been this.

\* The *italics* are not in the original.

The Governor was first got to commit himself to an acquittal and approval of Nursoo on the 7th October, while Colonel Outram was yet in Bombay, waiting to discuss the case; then the minute in which this was done, together with the petition against Nursoo, was kept secret until after Colonel Outram's departure for Egypt, lest discussions should be raised, and the Colonel go back to Baroda to spoil the scheme; the Gorajee Pol and Govind Row Gaekwar cases seem to have been kept back in like manner for the same reason. As soon as he was gone these matters were all taken up, and Nursoo was refixed in his place, to what effect Joitabae best can tell. A year afterwards, (Mr. Reid having left for England meanwhile,) when all was to be explained, and the unaccountable favour to Nursoo defended, Lord Falkland was induced to sign the minute, prepared probably by some subordinate, which contains the extraordinary contradictions to recorded facts which I have quoted above.

Whatever else is left in doubt here, two things are plain: Nursoo by private favours gained that consideration of his side of the case by the Government, which Colonel Outram could not gain for his by open solicitation and on public grounds; and, while the Bombay Government cannot keep their documents, or even their private resolves, from any who chooses to pay for a knowledge of them, they can contrive to keep them effectually from their own confidential officers who are directly concerned in them, but who will not pay. Nor is it less clear, that at this particular time, that of the riddance of Colonel Outram, of the accession of Captain French, and of fresh appearances of success in Nafra's enterprise against Joitabae, there was extraordinary care in management at Bombay, and irrepressible elation at Baroda.

I go now to the mode in which the subject-matter of these

984. cases was disposed of. Govind Row Gaekwar, a

962 relative of the reigning Gaekwar, but possessed

Nar. 40. of the British guarantee, had a claim made on him

by the Hurree Bhugtee bank, under Nafra's direction, for a large sum, of which as much as 30,000*l.* was for interest. To support this claim, an old and cancelled bond was produced, and the interest, at greatly erroneous rates, calculated on it. Nursoo supplied to the Resident a Report which countenanced the claim, and withheld from his knowledge documents showing its dishonesty: he said nothing to indicate either fraud or error. But Colonel Outram found reason for suspicion, and in the end clearly detected the attempt to mislead him; and then it was, that Nursoo made the suggestion for which Mr. Reid gives him credit at pages

27 and 56, without saying a word of this suggestion having been made by him after his attempt to carry through Nafra's fraud had been frustrated. The sum eventually awarded for interest was about 6000*l.* instead of 30,000*l.*

Mr. Reid denies, page 45, that in this matter the Government solemnly ignored a charge of forgery well supported by proof. He says that Colonel Outram never made more of it than a charge of constructive forgery against Nafra, and that although the Court of Directors in differing in opinion from the Government, directed further inquiries, yet they say, "that the case was not very clearly brought before them in Colonel Outram's letter." They go on, however, beyond Mr. Reid's quotation, to say in continuation of it, "But we should have expected that, if his conclusion was not admitted, the insufficiency of his reasons would have been shown, or the subject referred to him for further explanations,"—the very explanations he had offered. There is, however, more in it than this. Colonel Outram was seven weeks in Bombay, waiting to explain, if needful, this very business, and then he was very carefully *not* listened to; Mr. Reid now takes advantage of the obscurity, if any, which he might then very easily have obviated in a case where the facts were afterwards proved strongly enough for conviction: and afterwards, when Colonel Outram forwarded a further account of the matter, that account *was withheld from the Court for sixteen months*, and the only notice of it which has yet appeared is, that its title is the first item of the list in page 24 of the Blue Books.

For the "constructive forgery," which Colonel Outram deemed this offence, he proposed the withdrawal of the guarantee from the firm; a measure quite in consonance both with the terms of the guarantee itself, and with the repeated instances of the Court of Directors to curtail these embarrassing engagements. It was afterwards well for Joitabae that this advice was not acceded to by the Government. Mr. Reid says, that the proposal is proof that Colonel Outram "up to this date could not think Joitabae the injured person he has since declared her to be." True; the facts which thoroughly convinced him of *her right* were not known to him till long after; up to this time he had only a conviction that she was ill-used *as to investigation*, that she had not had a fair hearing, and that Khutput was striving and hoping to prevent her having one.

But neither can Mr. Reid nor the Government claim to have considered Joitabae when they refused to annul the guarantee; for it was on the 15th December that they came to that resolution, and on the 18th, three days afterwards,

they agreed to Captain French's suggestion, of a mode of adjudication which would have deprived her of our protection as effectually as though the guarantee had been withdrawn. Nar. 32.

Before finally dismissing the guarantee, thus incidentally introduced here, I ought to advert to Mr. Reid's argument at page 56, that since "Captain French, whom Colonel Outram describes as a mere tool in his native agent's hands, recommended to Government the entire withdrawal of the British guarantee," therefore there was no collusion between Nafra and Nursoo, and that their hostility, if any appeared, was not simulated, but real. The interest, however, of Nafra and his confederates in the guarantee was this; when there appeared a probability of their succeeding in their schemes of plunder, then it seemed their interest to strip the widows of the guarantee, although Nafra might lose it at the same time himself; but when there appeared no such probability, then the guarantee was invaluable as against the prince. Attention to these facts will easily show, contrary to Mr. Reid's argument, that Nursoo really served his friend Nafra (*i. e.* after such fashion of serving), when he proposed to Captain French to rescind the guarantee.

The subject-matter of the other case, that of Gorajee Pol, I do not here repeat, having already given it at page 78. In character it is very like the other, and in its history, as to Nursoo, it is very much mixed up with it. That Mr. Reid should still vindicate Nursoo in either of these affairs, after the legal scrutiny of Mr. Frere, and the unwilling degradation of Nursoo by the Government, is amongst the remarkable things of the book.

Page 35.—"The result was entirely exculpatory of Nursoo Punt; and it established in my mind a conviction that this was an attempt to make him the victim of an ordinary party struggle, in which Furké had succeeded in involving Colonel Outram."

This could not be so. It was not Furkey who sought Colonel Outram, but Colonel Outram who sought Furkey on finding he could not trust Nursoo. Had Nursoo been faithful, Furkey would never have had access to the Resident at 985-6. all. Lord Falkland afterwards admitted that the reason for employing Furkey was satisfactory. The exculpatory result in Mr. Reid's mind relates to matters of which Nursoo was afterwards convicted.

Page 39.—"The petition itself, that of Dec. 21, which described Nursoo's boasting of Mr. Reid's favour, is found in

“ p. 951 of the Blue Book. It bears no date. Its very substance at once proclaimed it to be fictitious, as it finally proved to be. It would be monstrous if the Government ever placed the smallest reliance on such petitions, so as to allow them to influence its decisions. The petition bore a signature, and therefore was sent to the Acting Resident on the 4th January, 1849, in order that he might ascertain whether it came *bonâ fide* from the party whose name it bore. Captain French reported on the 9th January, 1849, that no such person was known at Baroda, and the petition was in consequence filed, under a minute of the 16th January, 1849.”

The petition was sent for report on the very same day that the letter was dispatched which cleared Nursoo, and asked him to remain in office. If the petition were to have any weight, why was not the letter to Nursoo held back the few days required for scrutiny? If it were to have no weight, the reference was a mere form, as indeed Captain French seems to have understood it, when after one day's inquiry in a town of 80,000 souls he reported such a man as the petitioner could not be found. Nor did he resort to the usual practice of a posted notice. But the petition was “fictitious” only in the name appended to it; and it “finally proved to be” not only genuine in substance, but important. The real petitioner (a man of bad character, and an enemy of Nursoo, as Colonel Outram had reported) avowed himself after Nursoo had removed from Baroda to Ahmedabad. The evidence produced in support of its allegations was judged by Mr. Frere sufficient to convict Nursoo.

In page 41 Mr. Reid speaks of his “having prevented Nursoo being driven from office *unjustly*,” just as though there had been no conviction of him by Mr. Frere, on evidence (not yet published) which wrung from the Government an unwilling confirmation. Of what avail is it to carp at the character of Jezram Hybutrow, and at his petition with a sham name according to the fashion of the country, now that the evidence ultimately adduced has superseded the original information?

It is not necessary to follow Mr. Reid in detail through the pages from 46 to 60, which he has devoted to the “Maurrice Letter;” the story has been given at page 45 of the present sheets. That Nursoo received that letter, that it was dispatched from Bombay to his address, January 4, 1849, and that it is correctly given in the Blue Books, are facts not disputed. The questions are, what use

did he make of it? and what inferences follow? This is important to Mr. Reid only as he chooses to defend Nursoo; for any person's name may be used in roguery by others, whether he will or no. Nursoo was convicted of having shown the letter, soon after he received it, to Muncherjee, a known friend of Furkey's, and indeed on the trial he admitted having done so. His object appears to have been to discourage his opponents at the juncture when Nafra's designs on Joitabae most wanted support, and he himself was succeeding in affording that support. That he should have shown it to a known enemy, even to daunt him, just when he was also vaunting Mr. Reid's favour and his own designs, argues that he little feared any harm to himself in high quarters at Bombay, from his avowing himself a Khutputist; and herein, whether right or wrong, he only shared the belief of his neighbours.

Page 65.—“Nursoo Punt *may be* the greatest villain that the corrupt soil of Baroda has ever generated; Baba Nafra *may be* in the same category; all their friends and supporters *may be* rightly placed in the same schedule; Jethabae *may be* an injured angel; Furké, a persecuted saint. But when I consider the nature of the plots in the series of dramas presented to us—the characters of the performers, from His Highness the Guikwar and Colonel Outram down to the lowest kolee—and the locality of the scene of action—I am constrained to the conclusion that the justice of the catastrophes has not yet been shown, and that the whole of the matters treated under such circumstances remain still involved in a deep shade of darkness and of doubt.”

It is remarkable that throughout Mr. Reid's pamphlet there is not the slightest mention of the trial of Nafra by the Gaekwar's Court, of the Resident's investigation into that case, of the trial of Nursoo by Mr. Frere, of the evidence taken on any of those occasions, or of any of the findings or sentences. It cannot but be deemed an unhappy mistake, that after all those inquiries, conducted under judicial forms, and followed by sentences sanctioned by most unwilling authorities, Mr. Reid should speak as he does of the several parties mentioned in this quotation. Nothing could have given greater countenance in India to the constant boast in

906-4. Baroda, that the reputation of Europeans of the highest standing are at the mercy of Khutputists.

This error is the more to be lamented, because the fair probabilities of the case, if they had been let alone, would have

afforded ample inferences for Mr. Reid's protection. In the complication and often the haste of the business of an Indian Government, carried on in too many instances by unfaithful or incompetent agents, and under vast disadvantages both of a physical and social nature, that many errors should be committed is only to be expected; and no candid reader would have hesitated to admit that, in such circumstances, Mr. Reid might have done many things with the uncertain and imperfect information of the time, which on the fuller revelation and more connected statements now made, and with time for comparison and reflection, he might well regret, although he could not censure himself for them. It is, I conceive, only when he volunteers a defence of parties already condemned as well in judicial form as in universal opinion—parties who have paraded their reliance on him,—that he requires such a defence for himself as his pamphlet, vitiated with more than the errors I have pointed out, does not seem to supply.

It is, perhaps, most to be remarked that Mr. Reid never denies the general belief in the venality of the Bombay Government; he never accounts for that belief; he never denies that wrong has been done; and, if he ventures to speak for Nafra, he does not attempt to vindicate the later acts of the Government of Bombay. He says chiefly that if wrong has been done, *he* did not do it. But if wrong has really been done so great as appears to have been established by judicial proofs, and if the Bombay Government have been led, however innocently on their part, to aid or to permit it, the question is only removed a step by Mr. Reid's disclaimer or theirs. By what contrivance is it that a responsible chief of such an administrative system, if innocent, feels himself reduced to the necessity of defence, while the real wrong-doers lie safely concealed for many years together?

N.B. The following "Dissents" are amongst the papers ordered by Parliament, and are here given in anticipation of their publication by authority, which will probably be delayed by their being associated with a large mass of other documents. The despatch of 26th June, 1852, to which

27. they so strongly object, was originally passed in a  
 Nar. 146. much stronger form by a very large majority of the  
 Court, but was subsequently made such as it now  
 appears by the overruling authority of the Board of Control.



DISSENTS *of various* DIRECTORS *of the* EAST INDIA COMPANY *from the* Despatch *of the* Court, *dated* 26th June, 1852, *to the* Government *of* Bombay, *on the* Removal *of* LIEUTENANT-COLONEL OUTRAM, C.B., *from the* Office *of* Resident *at* Baroda.

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DISSENT OF W. B. BAYLEY, ESQ., AND EIGHT OTHER DIRECTORS.

We dissent from the Court's resolution of the 26th ult., ordering the Draft No. 482 to Bombay, in the political department, on the subject of the removal of Lieutenant-Colonel Outram from the Residency at Baroda, to be signed as altered by the Board of Commissioners for the Affairs of India,—

Because we consider that the words in paragraph 9, quoted in the margin,\* which were approved by the Court on the 23rd ult., and subsequently cancelled by the Board, are essential to the complete exposition of the views of the Court on this important subject.

(Signed) W. B. BAYLEY.  
CHARLES MILLS.  
H. SHANK.  
HENRY WILLOCK.  
J. A. MOORE.  
J. C. WHITEMAN.  
E. MACNAGHTEN.  
R. CAMPBELL.  
W. H. SYKES.

I sign this Dissent because I object to the omission of the passage above quoted, which appears to me to take a correct view of the particular point to which it relates, although, for the reasons stated in my separate Dissent, I think that the Court has come to a wrong conclusion on the whole matter under its consideration.

(Signed) R. D. MANGLES.

I agree with the above sentiments,

W. J. EASTWICK.

*India House,*  
*1st July, 1852.*

\* "But we regret that you did not take an early opportunity of pointing out to him the objectionable expressions which rendered him justly liable to your censure, and of enabling him to withdraw or modify those expressions. Such a course might have probably rendered the removal unnecessary, and might have secured the prosecution to a more complete and satisfactory issue, of the very important inquiries on which he was engaged."

## DISSENT OF R. D. MANGLES, ESQ.,

*Concurred in by three other Directors.*

I dissent from the despatch to the Governor of Bombay in the political department (No. 20) which passed the Court on Saturday last, the 25th January,—

1st. Because it appears to me that Colonel Outram rendered to the Government of Bombay, and through it to the Government of India, a service of the greatest value, by denouncing, and, as far as he was permitted, by exposing a system of corruption, which, though in reality not extending beyond the underlings of the public offices, has, beyond doubt, deeply compromised the character of that Government in the estimation of its native subjects.

2ndly. Because although I strongly condemn the intemperate and disrespectful language which Colonel Outram allowed himself to use in addressing the Government of which he was the servant, I cannot but regard even his culpability in this respect as light in the balance when weighed against the zeal, ability, and fearless energy which that officer was bringing to bear upon the important object of his investigations, and which it was the bounden duty, as assuredly it was the interest, of the Government of Bombay to encourage and support.

3rdly. Because the circumstances of the case in general, and particularly the instances of Govind Row Roria and Nursoo Punt, commented on in our despatch, No. 19, of the 23rd ultimo, demonstrate to my mind that Colonel Outram did not receive from the Government of Bombay all the confidence and support which he deserved, and which a right view of the great importance of vindicating the purity of our administration in the opinion of the native community ought to have led the Government to extend to him.

4thly. Because it appears to me that a sufficiently generous allowance was not made by the Government of Bombay for the feelings of a zealous and high-spirited public officer engaged in a keen and arduous conflict with the crafty and unscrupulous agents and supporters of an inveterate system of corruption; and that this want of sympathy and consideration is manifested by the whole tenor of Lord Falkland's minutes, and more especially by the application by Mr. Blane of the expression "monomania" to those feelings.

5thly. Because I consider the proceedings of the Government of Bombay in removing Colonel Outram from an office where he was engaged in exposing the system of corruption spoken of in the foregoing reason, on the very spot where that system had its origin, and where its principal agents and abettors lived and acted, to have been eminently ill-timed and injudicious, inasmuch as that proceeding must necessarily have given a triumph to those persons whose malpractices Colonel Outram was endeavouring to bring to light and to punishment; and as it could not fail at the same time to generate a not unreasonable suspicion in the minds of the native community that the Government was not sincere in its professed desire to expose and put down the system in question.

6thly. Because, fully admitting the necessity of checking the disrespectful tone of Colonel Outram's correspondence, and of correcting his very erroneous view of the power and privileges of a Resident at the Court of a Native Ally of the British Government, it would appear to have been an easy and obvious matter to effect these objects without subjecting a most meritorious officer to severe loss and humiliation, and the public service itself to the heavy detriment pointed out in the fore-

going Reason, and inseparable from the course actually taken by the Government of Bombay.

7thly. Because, with the exceptions which I have stated, I consider that Colonel Outram acted rightly and in furtherance of the true honour and interests of the British Government of India, in all essential respects (to which category, in comparison with the vital importance of the real objects at stake, I cannot think that the admitted exceptions belong); and that with regard to whatever differences arose between that officer and the Government of Bombay in such essential respects, the superior authority was wrong.

8thly. Finally, because it appears to me that in the case before us the general policy and duty of supporting the Government falls into a secondary place in comparison with the paramount obligation upon the Court to take no step, and to allow no step to be taken, calculated to damp the spirit with which officers of high station and trust ought to be encouraged to maintain the honour and vindicate the character of our administration, when labouring under suspicion, or tending to afford even plausible ground for the continued prevalence of such suspicion in the minds of our native subjects.

Wherefore I am compelled to dissent from a despatch which appears to me to lose sight in a great measure of the great interest at stake, namely, the honour of the British Government of India; to censure heavily the zealous and honest public servant who was doing his utmost to vindicate that honour, for the lapses of respect and for an error of judgment, which, however gravely to be condemned, are of little importance, when compared with the vast moment of the one grand object in view; and to give at least implied approbation to proceedings on the part of the Government of Bombay, which appear to me to be of very questionable policy, and to be fraught with consequences most injurious to the character of our administration of British India.

(Signed)

R. D. MANGLES.

*India House,  
1st July, 1852.*

I concur in this Dissent,

W. J. EASTWICK.

I concur in this Dissent,

JOHN COTTON.

I concur also in this Dissent,

W. H. C. PLOWDEN.

#### DISSENT OF LIEUTENANT-COLONEL SYKES.

1. I dissent from the Draft No. 482, dated 24th June, 1852, on Colonel Outram's case, not less on account of the alterations made in it by the Board of Control against the sense of the majority of the Court, than on account of the feeble and inadequate expression, even in the original draft, of those vivid feelings and sentiments necessarily expected from the Court upon matters affecting the honour of the British name; equally also on account of the indisposition manifest in the draft to give due weight to Colonel Outram's explanations of his offensive bearing towards the Bombay Government, which explanations, if they do not justify his conduct, give a less offensive character to it.

2. A foul scandal had long pervaded the public press in India and the native mind, that parties connected with the Bombay Government were open to bribery by the Guickwar, his agents, or by the agents of Bankers, or others in Baroda and in Goozrat, for the purpose of effecting political or personal objects at the seat of power. It seemed, therefore, to be the imperative duty of the Bombay Government, conscious in the rectitude of the high officials connected with it, and jealous of the British name for purity in administration, to have taken the initiative in establishing the truth or falsehood of the degrading scandal which dated as far back as 1835. Nevertheless, Colonel Outram (then Captain Outram), Mr. Malet, Acting Resident at Baroda, and subsequently Mr. Sutherland, the Resident, in their arduous struggles to expose corruption, (if it existed,) felt that they laboured under great difficulties; and Colonel Outram, in his Khutput Report, now before the Court, Sect. ii. par. 3, says:—"The belief appeared to have its origin in certain decisions of Government respecting disputed successions which it was thought could only have been effected by bribery; and the leniency with which parties who were accused and were convicted, were treated by Government, strengthened the impression."

3. The various cases in which this leniency is supposed to be manifest, are arranged in chronological order in the Khutput Report; and it will suffice to give a passing reference to some of them. First, in the Umleara Succession case, when Colonel Outram took charge of the political agency in the Mahee Caunta, in 1835; then in Motee's case of perjury, 7th April, 1838; then in the Thakoor of Gorasur's case; then in a list of cases of bribery, forwarded to Government in a memorandum of Mr. H. Malet, in which the names of European gentlemen were used, 31st December, 1837. In this memorandum, and in a letter of Colonel Outram's to Sir Robert Grant, 1st January, 1838, nearly similar language is used: "Odium has in consequence (of bribery) been heaped on the British name, and a stigma has been attempted to be cast on the reputation of some of the most honourable and distinguished servants of Government."—Sect. v. par. 8. In the case of Anund Row, of the Political Agents' Office, who was suspended by Mr. Malet and restored by Government, 29th October, 1837, Sect. vi. par. 1; in the case of Dadoo Punt, 25th November, 1837, in which Mr. Malet was informed by Government, "nor is there any law by which native servants employed in the political department, guilty of receiving bribes, can be punished otherwise than by dismissal from the public service," 19th December, 1837; in the case of Motee Lall Purshotum, head Karkoon of Rajpeempla, 28th January, 1836, in which Mr. Courtenay is commended for the man's acquittal, and Mr. Malet is subsequently commended for his conviction; in the case of Brijlall, native agent, Baroda Residency, Sect. viii., implicated with Dadoo Punt, 25th November, 1837, and charged with bribery, in which the Government set aside the arrangements of Mr. Sutherland, the Resident at Baroda, which he thought necessary to insure the conviction of Brijlall, 28th March, 1838, and when he was ultimately convicted of receiving 4000 rupees, Government declined, 29th October, 1838, adopting Mr. Sutherland's urgent request that Brijlall should be publicly declared incapable of serving the Government in future; Government also prohibited further investigations: but in prosecuting Dadoo Punt, Brijlall was found to be implicated, 26th December, 1838, and was again convicted of bribery, and again Mr. Sutherland begged he might be proclaimed in the *Gazette*, and again the Government refused; in the case of Hurree Bugtee at Baroda, with British guarantee during good behaviour, but which lent itself to all the corruptions, Sect. ix. par. 4, et seq. The Government refused to sanction, 30th De-

cember, 1837, Mr. Malet's application to be allowed to insist upon the firm producing their books for examination, and censured his conduct at the same time, the Government under Sir George Arthur doing the very reverse in a similar case, in 1843, when Mr. Boyd was Resident, 13th July, 1843. On 26th October, 1838, Colonel Outram, then Captain Outram, wrote, Sect. x. par. 6, to Government, "All the exertions of the local officers to perfect the regeneration of Goozrat now in progress, and for the reform of abuses, must prove abortive so long as the Bombay Government is looked upon, *as it now is*, throughout this country, as patronising and encouraging a class of persons so notoriously and thoroughly proved culpable. Until Government has cleared itself from that imputation, the power to thwart our measures remains in the hands of a body of men" (the Nagur Brahmin family) "the most powerful, wealthy, and unprincipled in Goozrat, and that power to do evil can only now be stemmed by an immediate, distinct, and public declaration of the abhorrence with which Government regards the practices which have come to light, and of its determination to punish such offences with the utmost rigor in future." And he concluded: "I implore Government, if it consider I have by my former services established any claims to its consideration, as the only favour I have to ask at its hands, to receive my most earnest appeal by attending to its requests and overlooking aught that I have written, in the fervour of my feelings, that could in any way be deemed presumptuous or disrespectful." And he finally pledged himself to prove fifteen cases in which a strong bias on the part of Government appeared in favour of parties accused of bribery, Sect. x. par. 7. This was as far back as 1838.

The Guickwar, judging from these cases, followed in the same steps in 1840, in the notorious Dackjee Dadajee affair, and the very Motee Purshotum, previously convicted and dismissed, was employed in his corrupt practices. The Advocate-General, in his report to Government, 31st January, 1843, stated that the following sums were to be appropriated by the Guickwar to effect his objects:

	Rupees.
To Sir Jas. Carnac, 10 lacs . . . . .	10,00,000
Mr. Willoughby . . . . .	250,000
Mr. Reid . . . . .	60,000
Shree Crustna . . . . .	36,000
Dr. Browne and minor parties . . . . .	100,000
<b>Total</b>	<b>14,56,000</b>

In 1838, Captain Outram left Goozrat, and joined the force proceeding to Affghanistan, and only returned to Baroda as Resident, when appointed by Sir George Clerk, in 1847. The former Residency agents of the Nagur family had been convicted and removed, but had not been *proclaimed*; and the feeling in the efficacy of Khutput remaining, it was soon found the new servants were as bad as the former, and parties who lent their aid to detect corruptions experienced their malice. In the case of Venaick Moreshwur Furkey, otherwise Baba Furkey, a servant of some years' standing, who had assisted Mr. Malet in his struggles against the corruption of his day,—this man, instead of progressive reward, had his office broken up, and a portion of its duties only offered to him on a diminished salary; and subsequently applying for the vacant office of native agent at the Residency at Baroda, being recommended by Colonel Outram, it was intimated by Government that he was not "a fit person to be employed in a political capacity," Part xi. Sect. xi. par. 15, although Colonel Outram found him almost the only man courageous and able enough to give him assistance in his inquiries into the practices of the Residency

agent, Nursoo Punt. Baba Furkey had been arrested and confined in his house by the Guickwar, with the knowledge of Captain French, the Acting Resident, and was only released on its being known that Colonel Outram was returning to Baroda. In consequence of these inquiries, Nursoo Punt proposed to resign on his pension, and Colonel Outram recommended Baba Furkey to Government as his successor; but Colonel Outram being obliged to leave Baroda on the 12th September, 1848, for Egypt, on account of health, on his return to Baroda, fifteen months afterwards, he found Nursoo Punt had withdrawn his resignation, and he himself had been reprimanded by Government during his absence for doubting Nursoo Punt's integrity, and for recommending Baba Furkey as his successor, 18th January, 1849. Colonel Outram, 22nd June, 1850, then asked Government to be allowed to investigate Baba Furkey's case, and was told, 6th October, 1850, that a previous decision of the Government was final; and even after a reference to the Court of Directors, the Bombay Government still refused, 28th June, 1851, to consider Baba Furkey's complaints. Then follow the details of the case of Nursoo Luximon, otherwise Nursoo Punt, late native agent at Baroda Residency. In 1843, Nursoo Punt gave up 400 rupees a month, as an assistant in the revenue branch of the Deccan, and obtained the office of Residency native agent at Baroda, on 300 rupees a month, quitting the best climate of Western India (the Deccan) for the worst (Baroda). Nursoo Punt was connected by family ties with several parties at Baroda, his sister being married into the family of Baba Nafra, and another into that of Dadoo Punt, whose misconduct has occasioned the notice of Government.

Nursoo Punt concealed these family ties from the Resident and from Government. On the 21st March, 1844, Nursoo was charged with corruption on petition. It was referred by Government to

Note.—Baba Nafra, the manager of the Baroda banking firm of Hurree Bugtee, had been convicted by Mr. Malet of nefarious practices; he had been mixed up in the conspiracy to bribe Sir James Carnac, and has since been convicted of the abduction of a son and heir of his late master, and of a foul conspiracy against one of his master's widows, Joitabae.

Mr. Remington, Acting Resident, who said it was too late in the day to inquire into it. In 1847, Colonel Outram was appointed Resident at Baroda; his first impressions of Nursoo Punt were decidedly favourable, and for some time after his appointment he was ignorant of the family ties between Nursoo Punt and Baba Nafra. But his suspicions were raised in the cases of Govind Row Guickwar and Gorajee Pol, both against Nursoo Punt and Baba Nafra, in the first case by Nursoo Punt asserting ignorance of an important document in his possession, which he afterwards produced, and in the second case by his conniving at embezzlement of the Pol's revenues. Nursoo Punt, as previously stated, applied to be employed elsewhere, Colonel Outram having got the assistance of Baba Furkey, which aid, then given, has ended in his own ruin. Colonel Outram being obliged to leave Baroda on sick certificate for Egypt, Nursoo Punt withdrew his application for pension or other provision, and Colonel Outram still found him at Baroda on his return. The subsequent misconduct, conviction, and dismissal of this man, are discussed in the Court's despatch in the Political Department, No. 479, dated 23rd June, 1852. Then follows the Hurree Bugtee Guarantee question, in which Colonel Outram, on reaching Bombay, 17th September, 1848, personally urged on the Secretary to Government, and on one of the members of Government, that advantage should be taken of the frauds committed by the Hurree Bugtee firm to withdraw the British guarantee from it. This was not attended to, nor was a despatch of the Court on the same subject, 13th February, 1850. The subsequent ex-

posure of the atrocious proceedings in the Widow Joitabae's case, the seizure of the papers of the banking firm of Hurree Bugtee, which led to the knowledge of the betrayal of Government and the Baroda Residency, by clerks communicating secret records; the tracing money to the hands of Government clerks in Bombay, particularly to Mr. Craig, of the Secret and Political Department; Government letting the matter lie from October, 1850, to the receipt of the Khutput Report, in November, 1851, and the trial and condemnation of Nursoo Punt, have been so lately discussed by the Court, that nothing more than mention of them is necessary.

On the 10th April, 1851, Colonel Outram (Part ii., Sec. iv. par. 11) wrote to Government that he had suspended four of his Karkoons, that he could prove that Nursoo Punt had received 28,000 rupees in Joitabae's case, and accompanied the letter with a strong remonstrance. On his arrival in Bombay, he had an interview with the Governor, Lord Falkland, and *stated his perfect readiness to withdraw every statement or expression that might be regarded in the slightest degree as appearing to arraign the proceedings of his superiors*, and he assured his Lordship that nothing was further from his intentions than to treat himself or his Government with disrespect, and he expressed his desire to erase from his statement and letter every passage calculated to give offence. Lord Falkland intimated his approval of this resolution, and his hope that Baroda affairs would be settled to the satisfaction of all parties. Again, in the still unfinished investigation of the suspicions against the Baroda Minister for a purpose to bribe parties to get the charge for the Goozrat Horse withdrawn, Government refused to sanction a guarantee being given to Govind Row Roria, 23rd November, 1851, in case he gave evidence on the subject.

4. Because the Draft does not notice Colonel Outram's paper of suggestions of measures to guard against future corruptions, nor does it notice the rejection by Government of the whole of them. Sec. vi. par. 11, concluding sections.

5. As Colonel Outram's Khutput Report was the necessary result of the Government Circular of the 15th May, 1850, calling for information from subordinates, on the supposed belief in the native mind of the efficacy of bribery with Government officials, it was Colonel Outram's duty to trace the belief at Baroda from its origin. The terms, therefore, in the Minute of Council, 22nd November, 1851, applied to the Report and to Colonel Outram personally, of "Monster Report," "Monomania," and "it is impossible Colonel Outram in his right mind would persist," &c., seem misplaced and gratuitously offensive, and ought to have been noticed in my opinion, in the Court's Draft.

6. Because Lord Falkland, in his Minute of the 28th February, 1852, having said "we have not charged Colonel Outram with *disrespect* in any of his Reports, though I am far from deeming that we had no grounds for doing so, but only in his letter of the 31st October, 1851," it would seem the decision of the Court, on this branch of the subject, should be confined to this letter.

7. Because the Draft omits all mention of the present critical position of the parties who gave their assistance to Colonel Outram in the procuring the conviction of offenders, and does not suggest any measures to guard them against the sure prospect of persecution, and consequent personal damage to which they will be exposed.

8. Finally. Sufficient notice has been taken of cases, facts, and dates, without entering into elaborate details, to demonstrate in the clearest manner the comparatively eminent success of Colonel Outram, under the most embarrassing difficulties, in the praiseworthy and honourable efforts

to relieve the British Government from the scandal attached to its name, of being indifferent to the corruptions of its servants and agents, and to discriminate and to fix upon the proper parties not only criminality, but the punishment due to criminality. It appears to me, therefore, that the Draft does not sufficiently dwell upon the eminent services and persevering zeal of Colonel Outram ; that it does not make a natural and reasonable allowance for the irritation consequent upon finding his efforts for a great public object through a course of years constantly thwarted or inadequately supported ; and above all, that it does not take that elevated tone befitting the character of a great Government in reprobation of corrupt conduct on the part of any of its servants, and in reproof of parties, however high their stations, whose apathy, prejudices, or misjudgment, may have led to the continuance of an odium and a scandal, which a vigorous manifestation, at an early period, might have either obviated or crushed at once. For the above reasons, I dissent from the Draft.

(Signed) W. H. SYKES.

*India House,  
7th July, 1852.*

*me*





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